

5647. By Mr. MORROW: Petition of citizens of Mora County, N. Mex., opposing House bill 78; Lankford Sunday observance bill; to the Committee on the District of Columbia.

5648. Also, petition of citizens of Fort Stanton, N. Mex., favoring the Box immigration bill; to the Committee on Immigration and Naturalization.

5649. By Mr. NEWTON: Petition signed by members of Local No. 14, Federal Employees Union, of Minneapolis, urging support of Welch salary increase bill and mail box bill, and for abolition of the Personnel Classification Board; to the Committee on the Civil Service.

5650. By Mr. O'CONNELL: Petition of T. M. Schippell, secretary of the Naturopathic Association, Washington, D. C., favoring the passage of the naturopathic bill; to the Committee on the District of Columbia.

5651. Also, petition of John Fitzpatrick, president Chicago Federation of Labor, favoring an investigation of the Radio Trust in order that they be assured of a new deal for radio that will protect the rights and interests of all the people for all time to come; to the Committee on the Merchant Marine and Fisheries.

5652. By Mr. O'CONNOR of Louisiana: Resolutions of the Board of Commissioners of the Port of New Orleans, protesting against the Bacon anti-pilotage bill; to the Committee on the Merchant Marine and Fisheries.

5653. By Mr. PARKS: Petition of citizens of Chicot County, Ark., urging Congress to grant increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5654. By Mr. PERKINS: Petition of J. A. McGarr and numerous other citizens of New Jersey, protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5655. Also, petition of Jennie E. Gray and other members of the Sons and Daughters of Liberty, of Hackensack, N. J., protesting against legislation to increase the number of immigrants now allowed to come into the United States; to the Committee on Immigration and Naturalization.

5656. Also, petition of Anna Williams and other members of the Sons and Daughters of Liberty, of Rochelle Park, N. J., protesting against legislation to increase immigration; to the Committee on Immigration and Naturalization.

5657. Also, petition of George W. Miller and other members of the Sons and Daughters of Liberty, of Washington, N. J., protesting against legislation to increase the number of immigrants now allowed to come into the United States; to the Committee on Immigration and Naturalization.

5658. By Mr. PRALL: Petition signed by citizens of Staten Island, on behalf of the Civil War pension bill, received from Catherine Narr, 15 Beacon Street, New Dorp, Staten Island, N. Y.; to the Committee on Invalid Pensions.

5659. By Mr. RAINEY: Petition of Rebecca V. Gaines and 68 other citizens of Petersburg, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5660. By Mr. ROBINSON of Iowa: Petition protesting against the large increase proposed in our Navy, signed by Rev. S. V. Williams and many citizens of Shell Rock, Iowa; to the Committee on Naval Affairs.

5661. By Mr. RUBEY: Petition by the citizens of Wright, Texas, and Douglas Counties, Mo., in behalf of additional pension legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5662. By Mr. STRONG of Kansas: Petition of B. W. Maxwell, of Enterprise, Kans., and 46 other citizens, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5663. By Mr. SWING: Petition of citizens of southern California, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5664. Also, petition of citizens of San Bernardino County, Calif., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

5665. By Mr. WHITE of Colorado: Letter of R. E. Lowderback, secretary Denver (Colo.) Trades and Labor Assembly, approving the proposed Box-Harris bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

5666. By Mr. WOOD: Petition signed by residents of Hammond, Lake County, Ind., asking that immediate steps be taken to bring a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

5667. By Mr. WURZBACH: Petition of T. W. Worley, Ben V. Meitzen, Mrs. W. M. Jennings, and other citizens of San Antonio, Bexar County, Tex., against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

## SENATE

TUESDAY, March 20, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, who fillest all things with Thy presence, we beseech Thee of Thy great love to keep us near unto Thee this day. Thou hast shown us Thy ways, and we have forsaken Thee; Thou hast brought us to great honor, and we weary of Thy service. Yet spare us, good Lord, from all adversity, and restore unto us the vision lost in paths apart from Thee. Help us to advance the onward march of Thy kingdom of right and justice by the increase of chivalry and the growing reign of law and ordered life. Make us to forsake that love of party which may keep us from loving one another, that coming together in friendship we and all Thy people may find the overpowering love of God, which shall make of us a nation one in mind and heart and will, according to the mighty working whereby Thou art ready and willing to subdue us unto Thyself. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2279) authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 1478) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; and

A bill (S. 2820) authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 431. An act to authorize the payment of certain taxes in Okanogan County, in the State of Washington, and for other purposes;

H. R. 5724. An act to prevent desecration of the flag and insignia of the United States and to provide punishment therefor;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 6103. An act to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States;

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak., and S. Dak.;

H. R. 9966. An act to provide for the reimbursement of certain patients at the United States Veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects;

H. R. 10027. An act to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs;

H. R. 10310. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii;

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon;

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi;

H. R. 11279. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes; and

H. J. Res. 211. Joint resolution to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 496. An act for the relief of M. Zingarelli and wife, Mary Alice Zingarelli;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1795. An act for the relief of Fannie M. Hollingsworth;

S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.;

S. 2365. An act for the relief of C. W. Rogers;

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the municipal hospital building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.; and

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows.

#### CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Frazier	Hedin
Barkley	Caraway	George	Johnson
Bayard	Copeland	Gerry	Jones
Bingham	Couzens	Glass	Kendrick
Black	Curtis	Gooding	Keyes
Blaine	Cutting	Gould	King
Blease	Deneen	Greene	La Follette
Borah	Dill	Hale	McKellar
Bratton	Edge	Harris	McLean
Brookhart	Edwards	Harrison	McMaster
Broussard	Fess	Hawes	McNary
Bruce	Fletcher	Hayden	Mayfield

Metcalf	Pittman	Shipstead	Tydings
Moses	Ransdell	Shortridge	Tyson
Neely	Reed, Mo.	Simmons	Wagner
Norbeck	Reed, Pa.	Smith	Walsh, Mass.
Norris	Robinson, Ark.	Smoot	Walsh, Mont.
Nye	Robinson, Ind.	Steck	Warren
Oddie	Sackett	Steiner	Waterman
Overman	Schall	Stephens	Watson
Phipps	Sheppard	Swanson	Wheeler

Mr. JONES. I was requested to announce that the Senator from Vermont [Mr. DALE] is engaged in committee.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

JOHN A. FOX

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1325) for the relief of John A. Fox, which was, on page 1, line 6, after the word "appropriated," to insert "and in full settlement against the Government."

Mr. SMOOT. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

#### LOAN OF FIELD GUNS TO DALLAS, TEX.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2820) authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex., which was, on page 1, line 4, to strike out the word "loan" and insert "lend."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1478) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash., which was, on page 1, line 11, after the word "agree," to insert "in writing."

Mr. JONES. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT presented the following joint resolution of the Legislature of the State of New Jersey, which was ordered to lie on the table:

Joint Resolution 4, for the approval of the bill introduced in the Senate and House of the United States Federal Congress to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and to urge its passage by the Senate and House

Whereas a bill has been introduced in the Senate and House of the United States Federal Congress which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States; and

Whereas the bill reads as follows: "A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

And Whereas this bill will empower the States that do not permit the products manufactured in their penal institutions to be placed on the public market, to protect themselves from the products of penal institutions of other States and to protect free labor which is now and for many years has been suffering from the competition of products made by the inmates of penal institutions:

*Be it resolved by the Senate and General Assembly of the State of New Jersey—*

1. The said bill be approved and recommended for enactment into law by the Federal Congress; and be it further

*Resolved,* That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Federal Congress and to representatives of the State of New Jersey in the United States Senate and House of Representatives.

Approved March 15, 1928.



Mr. DILL. Mr. President, a few days ago I submitted an amendment to the road bill, proposing that 25 per cent of the allotment be used for rural post roads. I present certain petitions from citizens of the State of Washington in support of that amendment, which I ask may be referred to the Committee on Post Offices and Post Roads.

The petitions of sundry citizens of Lancaster and Sunset, Wash., praying for the passage of legislation providing that 25 per cent of all amounts of money appropriated by the Federal Government for the building and improvement of public highways be expended for the improvement of the free rural delivery mail routes were referred to the Committee on Post Offices and Post Roads.

Mr. HALE presented petitions of sundry citizens of Bath, Presque Isle, and Portland, all in the State of Maine, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Queens Village and Columbia County, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Seventh Regiment Veteran Association, of New York, N. Y., favoring the passage of legislation to accomplish the complete restoration and establishment at existing Army posts and headquarters of adequate and suitable housing facilities, etc., which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Pennsylvania, praying for the passage of legislation requiring that the finger and footprints of mother and child be taken at birth on joined cards; providing for the identification of persons injured, lost, or otherwise unmarked; and the identification of every alien and traveler by card with his own proper fingerprints thereon with the number and location of the Bureau of Registration where first filed and taken, etc., which was referred to the Committee on Education and Labor.

Mr. MAYFIELD presented a telegram from Daniel Bond, president of the Texas Cottonseed Crushers' Association, at Vernon, Tex., which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

VERNON, TEX., March 19, 1928.

HON. EARLE B. MAYFIELD,  
United States Senate:

Referring to your bill which provides for Government regulation of cottonseed oil future business, will say that Texas Cottonseed Crushers' Association in convention at San Antonio, May, 1926, approved this bill by unanimous vote, and there has been no change in sentiments with reference to this bill since that time. We earnestly solicit your best efforts in favor of this bill.

TEXAS COTTONSEED CRUSHERS' ASSOCIATION,  
DANIEL BOND, President.

#### REPORTS OF COMMITTEES

Mr. JOHNSON. From the Committee on Irrigation and Reclamation I report back favorably with amendments the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, and I submit a report (No. 592) thereon. I ask that the report attached be printed with the bill.

The VICE PRESIDENT. It will be printed under the rule.

Mr. GOODING, from the Committee on Interstate Commerce, to which was referred the bill (S. 1263) to amend section 4 of the interstate commerce act, reported it without amendment and submitted a report (No. 593) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (S. 805) donating Revolutionary cannon to the New York State Conservation Department, reported it without amendment and submitted a report (No. 594) thereon.

Mr. CUTTING, from the Committee on the District of Columbia, to which was referred the bill (S. 2542) for the construction of a private conduit across Lincoln Road NE., in the District of Columbia, reported it without amendment and submitted a report (No. 595) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (H. R. 9020) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, reported it without amendment and submitted a report (No. 596) thereon.

#### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills and joint resolution:

A bill (S. 496) for the relief of M. Zingarelli and wife, Mary Alice Zingarelli;

A bill (S. 1133) for the relief of John F. White and Mary L. White;

A bill (S. 1795) for the relief of Fannie M. Hollingsworth;

A bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co.;

A bill (S. 2365) for the relief of G. W. Rogers; and

A joint resolution (S. J. Res. 55) for the relief of Henry A. Bellows.

#### MISSISSIPPI RIVER BRIDGE AT ARKANSAS CITY, ARK.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 7198) authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark., and I submit a report (No. 591) thereon. I call the attention of the Senator from Arkansas [Mr. ROBINSON] to the report.

Mr. ROBINSON of Arkansas. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON of Arkansas. The Senate Committee on Commerce has reported an identical bill, which is now on the calendar. I ask that the bill (S. 3362) authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark., be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

#### MANUFACTURE AND SALE OF STAMPED ENVELOPES

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 170, submitted by the Senator from Tennessee [Mr. McKELLAR] on the 15th instant. I ask unanimous consent for the present consideration of the resolution.

The resolution was read, considered, and agreed to, as follows:

*Resolved*, That the Committee on Post Offices and Post Roads, or any duly authorized subcommittee thereof, hereby is authorized and directed to investigate the merits of Senate bill No. 1752, Seventieth Congress, first session, a bill to regulate the manufacture and sale of stamped envelopes.

For the purposes of this resolution such committee or subcommittee is authorized to hold such hearings, to sit at such times and places, to employ such stenographic assistants to report such hearings, at a cost not to exceed 25 cents per hundred words, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and take such testimony as it deems advisable.

The expenses of such investigation, which shall not exceed the sum of \$1,000, shall be paid from the contingent fund of the Senate.

Such committee or subcommittee shall report to the Senate at the earliest practicable date, with such recommendations as it considers proper.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 3695) granting a pension to Alice A. Post;

A bill (S. 3696) granting an increase of pension to Mary A. Gavin; and

A bill (S. 3697) granting an increase of pension to Louise H. Stanley; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3698) for the relief of H. C. Jaquess; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3699) for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California; to the Committee on Public Lands and Surveys.

By Mr. NORRIS:

A bill (S. 3700) granting an increase of pension to Mary A. Crawley; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3701) granting an increase of pension to Lydia M. Knight (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 3702) granting an increase of pension to Jennie M. Strong;

A bill (S. 3703) granting an increase of pension to Helen E. Rouhan;

A bill (S. 3704) granting an increase of pension to Lucinda Davis;

A bill (S. 3705) granting an increase of pension to Minnie D. Round;

A bill (S. 3706) granting an increase of pension to Nancy C. Clemons (with accompanying papers); and

A bill (S. 3707) granting an increase of pension to Olive A. Carpenter (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3708) providing for the retirement of Lieut. Commander Henry Emile Quenstedt, United States Naval Reserve Force, as within the provisions of the act approved July 12, 1921; to the Committee on Naval Affairs.

#### RULES GOVERNING BELLIGERENTS AND NEUTRALS IN WAR AT SEA

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

#### EXPENSES OF COMMITTEE VISITING STONE MOUNTAIN UNVEILING

Mr. SMOOT submitted the following concurrent resolution (S. Con. Res. 13), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved by the Senate (the House of Representatives concurring), That all necessary expenses incurred by the committee of Congress consisting of 5 Senators and 10 Members of the House appointed by the Vice President and the Speaker to represent the Congress of the United States at the exercises at Atlanta, Ga., on April 9, 1928, incident to the unveiling of a portion of Stone Mountain by the Stone Mountain Confederate Monumental Association, be, and they are hereby, authorized to be paid one half out of the contingent fund of the House of Representatives and the remaining half out of the contingent fund of the Senate.*

#### HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

H. R. 6103. An act to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes; to the Committee on Patents.

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; to the Committee on Privileges and Elections.

H. R. 11279. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States; to the Committee on Claims.

H. R. 5724. An act to prevent desecration of the flag and insignia of the United States and to provide punishment therefor;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; and

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes; to the Committee on the Judiciary.

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii; and

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands

in the State of Oregon; to the Committee on Public Lands and Surveys.

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 10310. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes;

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; and

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii; to the Committee on Military Affairs.

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 9966. An act to provide for the reimbursement of certain patients at the United States Veterans' Hospital, Summit, N. Y., for loss and damage to personal effects; and

H. J. Res. 126. Joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port; to the Committee on Finance.

H. J. Res. 211. Joint resolution to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain; to the Committee on Foreign Relations.

#### MUSCLE SHOALS

Mr. BLEASE. Mr. President, I ask permission to have inserted in the RECORD an editorial appearing in the Birmingham News of Sunday, March 11, 1928, relating to Muscle Shoals, together with a news item appearing in the Washington Daily News of Saturday, March 17, 1928, relating to the expedition of legislation.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial and news item are as follows:

[From the Birmingham (Ala.) News, Sunday, March 11, 1928]

#### AN ARROW AIMED STRAIGHT AT THE SOUTH'S ECONOMIC HEART

Debates in the United States Senate respecting the Muscle Shoals resolution introduced there by Senator NORRIS, of Nebraska, are not a little interesting. An inveterate opponent of all private bids for the property, Mr. NORRIS is wedded to the idea that Muscle Shoals should be operated by the Government for power or fertilizer purposes. Quite apart from the merits or demerits of his varying proposals at various times, the hour is now come when the underlying and unaltering purpose of Mr. NORRIS—governmental ownership and operation of business—needs to be seriously considered.

When the United States Government erected its nitrate plants, the action was taken as a war measure. Any such experiment of Federal authority engaging in the country's private business would have been unthought of in peace time. In its genesis, the action taken by the Government at Muscle Shoals was justified primarily, if not solely, on the ground that it was militarily necessary. Indeed, it was just as much an act of "military necessity" as Lincoln's proclamation of emancipation was. The Nation's life was at stake, the world's welfare was in the balance. Under such conditions, the law of usage, the wise policy of having the Federal Government keep its hands off the country's private business, was momentarily disregarded. But in no sense was it intended that what took place at Muscle Shoals should serve as a precedent—certainly not in times of peace.

The original intention back of the construction of Wilson Dam was to provide a permanent source of water power. This purpose was perhaps more than duly emphasized when the dam was built. But this feature did not mean that Congress had given its consent for the Government to engage in the operation of these plants in competition with private enterprise. The importance of this point can not be stressed too heavily by persons mindful of the needs of the Southern States in the power-creation and power-distribution field. Though great progress has already been made in the South, this section still lags in hydroelectric facilities. In public education, in health, in highway improvement, in various other phases of development, the South is backward, due to the havoc wrought by the War between the States, its blighting aftermath of reconstruction and Federal legislation hostile to the South's interests. But the South is striding forward. Its progress



is due in great, if not sole, measure to the genius and industry of its own people, its unrivaled natural facilities, and its unwaning power of attracting foreign capital seeking investment within its frontiers. It is individual initiative—private enterprise—that is responsible for this progress. It is both these that will insure the South's leadership by means of hydroelectric power unless at this critical juncture in the country's development men of the South now in Congress are beguiled by fanatics or sophists to drift out upon the dead sea of that form of socialism heralded by governmental operation of business that should be controlled and directed either by individuals or by corporations.

It is known that a survey of the Tennessee River has recently been made. This survey was made by Government engineers to determine the water power available on that stream and what would be its cost of development. The estimated cost of this development, as reckoned by the Federal Government's engineers, exceeds \$1,000,000,000 and may even reach the two billion mark. This amount will provide water-power plants only. Besides this \$2,000,000,000 for water plants only, perhaps another two billion will be required to distribute this power to the consumer. Who is to provide this enormous amount of capital? Is it seriously proposed that the Federal Government is to provide it? If not the Federal Government, are the separate States to provide it? If either or both fail to provide this four billion amount of money, and if private enterprise is forbidden to provide it, what is to become of the progress and prosperity here in the South that private enterprise has already assured and, if permitted to do so, would vastly increase?

Mr. NORRIS is advocating a policy respecting the disposition of Muscle Shoals that would not only strip individuals of their opportunity to practice their ingenuity and their initiative, but would divest the States themselves of sovereign rights that this section's people have always been in the habit of jealously safeguarding. Yet, assuming for the sake of argument, that this mania for centralizing even greater power in the Federal Government is sound and that this doctrine of stripping the States of their sovereign rights is wise and that this passion for dampening individual initiative is defensible, what is likely to take place the moment this whole power business is grabbed by the Government and controlled and directed by bureaucratic despots in and out of Congress? In the light of the last 60 years at Washington, may the South reasonably expect that its needs will be as carefully ministered to by a Federal Congress and by Federal bureaus as those needs would be ministered to by representatives of her own people? In actual practice, would not the South suffer from scant appropriations respecting water-power distribution even as the South has suffered in the making of tariffs and in various other forms of Federal legislation?

It is no secret that the very natural resources of the South, agricultural and industrial, make of this section a shining mark for envious legislators from other sections to shoot at. It is by preferential legislation of this kind that the South's progress has for 60 years been retarded. Now that the winter has passed, and the spring has come, and the voice of the turtle dove, so to speak, is heard in the land, is the South, like the dog in the fable, to drop the mouthful of good, red meat from its jaws and plunge into the water in search merely of that good, red meat's reflection? Is the South to lose the substance that it now has by means of individual and corporate enterprise in a futile pursuit of the shadow known as "governmental ownership, control, and direction"?

At the moment when Mr. NORRIS is seeking to have the Government take over this water-power business, farmers of the West are in revolt against sectional abuses that discriminate against the West in favor of the East in more things than tariff making. In the competition between industrial New England and the industrial South, nothing but governmental favoritism of New England can wrest leadership from the South. In this race for industrial primacy, only governmental manipulation, practiced under Government ownership and control of water power, can arrest this section's steady progress along industrial and manufacturing and agricultural lines.

When this is said, there is no disposition to state that the South is more virtuous at Washington than is any other section. Perhaps self-interest might induce the South to discriminate against other sections in legislation, even as it has been legislated against by other sections. The point made by the Birmingham News is that, in light of known facts, it would be hardly less than suicidal for the South's people or their Representatives in Congress to favor a policy like the Norris plan—a policy that would let slip from the South's own fingers management of the South's own affairs, and lodge with the Federal Government, in which the South has relatively little power, control and direction of this indispensable essential to the South's industrial, agricultural, and commercial prosperity.

The South is tired of this increasing tendency toward concentrating all power in the Federal Government. This Norris resolution respecting Muscle Shoals is an arrow aimed straight at the South's heart. To support it is to aid in devitalizing the South's progress and prosperity. What happened in the lower Mississippi Valley in the recent floods when the Federal Government had ample and shining opportunity to do its plain duty, not only to the South but to the country and to humanity, depressingly attests the fact that the South may not expect just treatment even when its needs are undeniably tragic. In the

light of that poignant miscarriage of social and economic justice, what reason has the South to believe that its superior water-power resources would receive fair consideration at the hands of a Federal administration—particularly in case that administration should be of a political party not dominant in the South?

Not in the spirit of sectionalism, but rather in a spirit that refuses to blink facts, the Birmingham News submits this highly serious question to the candid judgment of enlightened minds. If the South is resolved to commit economic hara-kiri, its Representatives in Congress should support the Norris resolution.

[From the Washington Daily News, March 17, 1928]

LEADERS IN CONGRESS ARE BREAKFASTED BY COOLIDGE—WHITE HOUSE GUESTS INCLUDE CONGRESSMEN WHO HAVE TO DO WITH SPEEDING LEGISLATION

Leaders of Congress who have to do with expediting legislation were breakfast guests of President Coolidge to-day.

They included Republican Floor Leader CURTIS, of the Senate; Democratic Floor Leader ROBINSON; Chairmen JONES and WATSON, of the Senate Commerce and Interstate Commerce Committees; Senators FESS and SHORTRIDGE, administration supporters; and Senator PITTMAN, Democratic power on the Senate Foreign Relations Committee.

Speaker LONGWORTH headed the House group at the breakfast. Others were Representative TILSON, Republican floor leader; Representative GARNER, Democratic floor leader; Chairman MADDEN, of the Appropriations Committee; and Representatives HAWLEY (Republican, Oregon) and CRISP (Democrat, Georgia).

#### PARTY PURGING IN OIL SCANDAL

Mr. WHEELER. Mr. President, I present an article from the Baltimore Sun of yesterday giving an interview with the Senator from Kansas [Mr. CAPPER] relative to party purging in the oil scandal, which I ask may be published in the RECORD.

There being no objection, the article was ordered to be published in the RECORD, as follows:

CAPPER URGES PARTY PURGING IN OIL SCANDAL—KANSAS SENATOR DEMANDS MERCILESS PUBLICITY ON GIFTS TO CAMPAIGNS—LAYS CORRUPTION TRAIL TO SINCLAIR—TEAPOT DOME ROTTENEST INCIDENT IN UNITED STATES HISTORY, HE SAYS IN PHILIPPIC

[Washington bureau of the Sun]

WASHINGTON, March 18.—In a scathing denunciation of the corruption uncovered in the Republican Party in connection with the Teapot Dome scandals, Senator ARTHUR CAPPER, Republican, Kansas, demanded to-night that the party indignantly repudiate "the men who participated in the rape of the Government oil lands."

"Republican leaders must realize that they must face the music or the party will pay the fiddler. The issue can not be evaded. The leaders may condone. The public will not forget," he warned.

#### REEKING WITH CORRUPTION

Senator CAPPER's repudiation is not couched mildly, for he uses language fully as strong as that which has come from the Democrats. He does not merely lament the disclosures—the trail, he says, is "slimy, odorous, and reeking with corruption"—but, in effect, he sounds the Democratic slogan, "Turn the rascals out."

#### FINDS REACTION NOW

While Mr. CAPPER's statement is directed at those high in the Republican Party who have been implicated in the oil scandals—a rather formidable list by now—he touches also on those who have had knowledge of what was going on, but did not speak out. Concealment of facts, he said, has so impaired public confidence that the reaction is just beginning to be felt.

The Republican party, he believes, will clean house, and when this is done Congress should revise the laws governing campaign funds, so the amounts to be expended in national campaigns shall be limited, he advises.

#### CORDELL HULL DEMANDS FACTS

At the same time that Senator CAPPER called for the purging of his party leadership Representative HULL, Tennessee, former chairman of the Democratic National Committee, asked that President Coolidge demand that "every vestige of the facts relating to these infamous bond transactions shall be dragged out into the open sunlight of day," and he challenged the Republican candidates for the Presidency to assert themselves.

The two deliverances came as the Teapot Dome subcommittee of the Senate was returning to Washington with the announcement that testimony to be given this week in view of a lead obtained in Chicago is expected to "shock the Nation."

#### CAPPER'S STATEMENT

Senator CAPPER's statement is as follows:

"For spectacular rottenness I doubt whether we have the equal of Teapot Dome in American history or ever will have.

## WANTS "THOROUGH JOB"

"The Republican Party must purge itself from the oil smudge and by forceful action demonstrate that it repudiates all those who had to do with the Teapot Dome lease.

"The job must be thoroughly done. I believe it will be thoroughly done.

"The smudge of oil, being smeared blackly across the pages of history, is repulsive to the citizens of the entire country. The trail is slimy, odorous, reeking with corruption.

## LIKENED TO FREEBOOTING

"For 'ways that are dark and tricks that are vain,' for intrigue and plot, for impudent daring, for melodramatic episodes, for duplicity, craft, and cunning—the conspiracy of Teapot Dome is the equal of any of the major crimes carried out by unscrupulous and infamous freebooters in the Middle Ages. It is more medieval than modern.

"As represented by its chief conspirator, Sinclair, Teapot Dome bought a Cabinet officer of the United States with Liberty bonds after he had been bought with a 'black satchel' by another oil conspirator.

"With \$260,000 in Liberty bonds paid in 1923 to the former chairman of the Republican National Committee to wipe out a campaign deficit, the implication is plain Sinclair believed this would buy him immunity in his plot to loot the Wyoming naval oil reserves.

## EXTENT OF CORRUPTION

"Men who had not given a cent to 'the cause' were induced to exchange their personal checks for packages of the Sinclair bonds and to become dummy contributors to the fund to wipe out the party's campaign deficit.

"This had the effect of reducing a large campaign gift to several smaller amounts, and to that extent concealed the Sinclair transaction.

"But such perfuming of tainted money is worse than futile, and has proved so.

"In a further career 'tainted with fraud and corruption' Teapot Dome spent money liberally to delay justice for years in the courts. It spent more of its money to hire a force of detectives to shadow a jury that was trying its leader, Sinclair, for criminal conspiracy, and, following this, is believed to have broken into offices in Washington at night to make way with or destroy damaging evidence.

## WOULD HAVE STRONG LAW

"Our laws governing the use of campaign funds, in practice, are ineffective. They have no teeth. Campaign expenditures should be limited by law. The real source of every contribution should be a matter of public record. Merciless publicity as to the source of campaign funds is as necessary to prevent corrupt elections as a law placing a limit upon the amount of money that can be expended.

"Congress and the States must find more effective means of preventing lavish use of money in elections.

"Teapot Dome and its attendant disgraceful transactions are repugnant to the rank and file of the Republican Party, as to every other decent citizen. These condemn the party leaders who took part, who smeared and besmirched the party itself with oil. They have faith in the future of the party and of our Government.

## DEMANDS HONEST LEADERS

"Concealment of facts already has impaired public confidence to an extent that is just beginning to be realized. To regain the confidence of the party, the leadership must free itself from the widening circle of suspicion that this leadership has tolerated too close alliance with oil and other exploiting interests. Those leaders who have their eyes on the money bags, when their thoughts should be of the public welfare, must cease to be represented in the leadership of the party.

"The leadership must be responsive and responsible to the rank and file of the Republican Party, not subservient to selfish business interests seeking special favor from the Government.

"I have every confidence in the patriotism, the loyalty, the honesty, and sound judgment of the Republicans of this country.

"These demand, and will get, honesty, ability, and public conscience in the leadership and management of the Republican Party."

## EXPECTS CANDIDATES TO SPEAK

The issue of corruption is put by Mr. HULL squarely up to President Coolidge and all the Republican presidential candidates. Specifically, he calls on Herbert Hoover, Secretary of Commerce; former Gov. Frank O. Lowden, Illinois; and Senator CHARLES CURTIS, Kansas, "who should have spoken out long since, to make their presence both known and felt in this combined movement."

So far these men have declined to comment on the revelations in the oil scandal. President Coolidge has been advised by party leaders to take an open stand for the cleaning of the party.

"The time is long past for paltering, dodging, and pleading stupidity and dense ignorance of facts known to those in high places or obtainable by the slightest diligence for four years," Mr. HULL said. "Party responsibility can not be longer shirked."

## HOW HE WOULD REPAY

Mr. HULL did not think it proper that Republicans raise a fund to repay Sinclair, as Senator BORAH is doing, but that the money should

be paid "either to those oil companies that were robbed by the Continental Trading Co. or to the Federal Treasury, in part payments of delinquent taxes of the Continental Trading Co." But the more vital question, he said, was whether the Republican National Committee would continue to "cling to or return stolen property it received and appropriated to its own use some four years ago."

"This is not an individual but a strictly party responsibility," he argued, "for the trail of corruption has penetrated to and into the Republican National Committee, which is the very Sanhedrin of the Republican Party. How much longer will this organization stand before the American public as a brazen beneficiary of these corrupt Sinclair bonds?"

## CALLS FOR RESIGNATIONS

But declarations from the Coolidge administration and Republican candidates are not in themselves adequate, Mr. HULL insisted, hence:

"Every consideration of morals and patriotism requires that they be supplemented and climaxed and crowned with the resignations of each Republican in high official or political position who by affirmative act or conspiracy of silence or criminal inaction has contributed to the suppression of the awful facts of this unparalleled scandal for four years.

"Separation of these particular individuals from every high position they still occupy in either the Coolidge administration or the national committee is required according to every standard of political and official honor.

## DODGED FOR FOUR YEARS

"When a party is in power its administration and its national committee function as one combined agency. Thus closely intertwined and interlocked, they jointly pursue their common purpose of keeping the party in control of the Government. What the dominant leaders of one know those of the other are obliged to know, unless both eyes and ears are shut.

"And yet for four years each has dodged responsibility for notorious conditions of corruption by pleading that neither knew nor had any reason to suspect what the other was doing."

## THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order, commencing with Calendar No. 355.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as first in order.

Mr. BLEASE. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. SMOOT and Mr. KING asked that the bill go over.

The VICE PRESIDENT. Being objected to, the bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. RAYARD. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

## USE OF WASTE LANDS FOR GRAZING PURPOSES

Mr. KENDRICK. Mr. President, during my absence from the Chamber, being engaged in committee work, the Senate agreed to begin the consideration of the calendar at Order of Business No. 355. Immediately preceding that number on the calendar is a bill introduced by me which when reached on the calendar heretofore I have consented should go over for the purpose of having amendments to it perfected. I ask unanimous consent that that bill, being the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming, may be considered at this time. It is an important bill for the States interested in it, and I hope the Senate may proceed to its consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. KENDRICK. I desire to offer certain amendments which I send to the desk.

Mr. SMOOT. Mr. President, how did this bill come before the Senate?

The VICE PRESIDENT. The bill is on the calendar, and it was taken up by unanimous consent.

Mr. SMOOT. The Senator from Wyoming certainly does not expect the bill to be passed with five minutes' debate?

Mr. ROBINSON of Arkansas. Why not?



Mr. KENDRICK. Mr. President, this measure has been passed over several times at my request in order to allow time to other Senators to confer with their people at home in reference to it. I do not believe there can be any objection to the bill, because other Senators who favor its application to their States have agreed with me as to the amendments which should be adopted to the bill.

Mr. SMOOT. Mr. President, I desire that the bill may be read by title. Perhaps I may have another bill in mind.

The VICE PRESIDENT. The bill will be read by title.

The CHIEF CLERK. A bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming. It is proposed to amend the bill so as to include the States of Montana and New Mexico.

Mr. KENDRICK. Mr. President, I may say to the senior Senator from Utah that the bill was originally made to apply only to Wyoming, but the Senators from Montana [Mr. WALSH and Mr. WHEELER] and the Senators from New Mexico [Mr. BRATTON and Mr. CUTTING] have asked that the bill be so changed that it shall also apply to their States.

Mr. SMOOT. Mr. President, if the bill is going to pass, it seems to me it ought to apply to all of the Western States where irrigation projects are located. I do not think it ought to apply merely to one or two States.

Mr. KENDRICK. Mr. President, a year ago, when we were considering a leasing bill which was favored by some of the States, Wyoming asked especially to be omitted from the provisions of the bill. As I have stated, I had intended to have this bill apply to my State alone, but Senators from the other States to which I have referred asked to have it apply to their States. I have conferred with Senators from other Western States, and because of the fact that they did not have definite information from their constituents that they would like their States to be included in the bill they have not asked that the measure be amended to embrace their States.

Mr. ROBINSON of Arkansas. Mr. President, I hope the Senator from Utah [Mr. SMOOT] will not object to the consideration of the bill. The situation as it affects the bill is this: As I understand, the bill merely authorizes a person who owns land on reclamation projects to take other arid lands that can not be used for any purpose except grazing in an amount which will raise the total amount of his land to 640 acres. It does not apply to any lands that are used for any purpose except grazing, and then to only comparatively small areas of land.

Mr. KING. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. Yes.

Mr. KING. This is a very important bill, and I think that the Senator from Wyoming [Mr. KENDRICK] ought to have more than five minutes in which to explain it, because in that event its consideration will probably take very little time.

Mr. ROBINSON of Arkansas. May I suggest to my friend, the Senator from Utah, that in all probability the result of an arrangement of that kind will prevent the passage of the bill? Because of the congested condition respecting legislation and the pressure of matters admittedly of more general importance, about the only way in which measures of this character can be considered is in the way this bill is now being considered. I therefore hope the Senator from Utah will not object to the consideration of the bill.

Mr. KING. I thought the Senator from Wyoming [Mr. KENDRICK] might be allowed 10 minutes fully to explain the bill. I shall agree not to take any time at all.

Mr. ROBINSON of Arkansas. I should not object to that.

Mr. KING. I ask unanimous consent that the Senator from Wyoming [Mr. KENDRICK] may have 10 minutes in which to explain the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENDRICK. Mr. President, the report on the bill and its title clearly indicate what the measure is intended to accomplish. It deals not with pasture lands, as has been suggested, but with what are more correctly described as waste or desert lands. It may be recalled that our reclamation law limits the acreage that may be filed upon by a settler to 160 acres or less. The majority of the tracts are from 40 to 80 acres and while such sized units are well adapted to a system of intensive farming under irrigation, they do not afford sufficient acreage for pasturing livestock. Anyone familiar with the facts will understand the vital importance and even necessity of keeping and producing livestock on a farm, for food and dairy purposes, and for the rejuvenation of the soil. On these small irrigated tracts it has been found that at certain seasons of the year there was no place whatsoever for holding and carrying the necessary livestock and this has proved one of the great obstacles to the successful settlement and development of our

irrigation projects. It happens that contiguous to the majority of our reclamation projects in the arid land States there are tracts of land, many of them extensive, which, because of their rough topography and desert character can not be applied to any beneficial use save and excepting that of grazing. While it does not produce an excessive amount of forage, the land does produce strong, nutritious forage on which cattle, horses, and sheep may be carried during the summer months. It may be said that the land is of such desolate character that thousands of acres of it would not constitute in itself a satisfactory homestead unit. Under present conditions no matter how closely contiguous, the settlers on these projects are denied the use of this pasture, first because they have no title to it, and under the law they are prohibited from fencing it without some form of title. Furthermore, they would not dare turn their small numbers of cattle, horses, or sheep loose on such public domain because they would scatter to the four winds and some of them would probably never be found again. Under such conditions the only person who can use this unclaimed and unclaimable territory is the flock master or the grazer who has large numbers of stock which can be economically watched and cared for by men hired for that purpose. It happens, therefore, that the man who needs the pasture most and who is greatly handicapped by the lack of it, is unable to use it under any condition, in spite of the fact that the land lies near him and is unfitted for any use except grazing.

The bill provides that the settler on an irrigated tract may apply for and select such acreage of waste land as, taken together with his original unit, shall not exceed 640 acres. On this tract he is required to make final proof without residence within a period of five years' time. In submitting proof he must show good faith in the use of the land, and further that he has expended during the period of five years not less than 50 cents per acre in the development of stock water and in the erection of fences for the purpose of inclosing the land. In order to economize the settler may join with one or even a group of his neighbors both in building fences and providing stock water. Under this arrangement there would be cooperation among a number of the settlers to the extent that they could economize and profitably provide their improvements and even through joint arrangement pasture their stock in common.

In addition to the improvement of the pasture thus provided, the bill serves another purpose, making these lands within a period of five years subject to taxation, even though at a low value per acre. In our Western States, with their limited population and narrow basis of assessed values, this is a very important feature of the bill.

Mr. KING. Mr. President, will the Senator permit me to ask him a question?

Mr. KENDRICK. Certainly.

Mr. KING. Does the Senator think that this bill will make for large holdings in the hands of the large flock masters; that they will combine together?

Mr. KENDRICK. I am glad the Senator has asked that question. The bill contains a provision that will prevent the settler from alienating the title to the land selected from the original irrigated tract for a period of 20 years' time. It allows the selection to be made at any place within 20 miles of the irrigated holding, subject to the condition that the land selected must be the nearest available land to the original filing.

Mr. BRATTON. Mr. President, will the Senator from Wyoming yield to me for a further observation along that line?

Mr. KENDRICK. I yield to the Senator from New Mexico.

Mr. BRATTON. Section 6 (a) of the bill also provides—

That any entryman may lease to another entryman for a period not to exceed one year—

Thus making it impossible for the land to be assigned to anyone except another entryman, and, consequently, it would be impossible for any one company or one individual to acquire a large quantity of the land to the exclusion of others.

Mr. KENDRICK. Mr. President, I wish to say that the department in its report admits the necessity of some action along this line, but it recommends, in lieu of this character of legislation, a bill that would authorize the department to lease these lands to settlers. We of my State of Wyoming do not believe in a Federal leasing law. We believe these lands should pass to title in tracts of as limited acreage as will insure their economical use and that they should thus become subject to taxation and bear their share of the cost of administering the laws of the State.

Mr. SMOOT. Mr. President, I wish to call the Senator's attention to the fact that if the amendment which has just been suggested adding two more States were adopted, there would be required about a half a dozen other amendments to the bill. I suppose that those amendments are to be presented.

Mr. KENDRICK. Mr. President, as already stated, the bill was made to apply solely and entirely to my own State.

Mr. SMOOT. I understand that.

Mr. KENDRICK. But in considering the bill in the committee it was suggested that it be amended to include two other States.

Mr. ROBINSON of Arkansas. Let me say to the Senator from Wyoming that the Senator from Utah wishes to know whether, if the amendment shall be agreed to, other amendments to make the bill as a whole conform to that amendment will have to be adopted. Of course, they will have to be.

Mr. SMOOT. Other amendments will have to be adopted to make the bill conform to the amendment including the two additional States.

Mr. KENDRICK. The amendments I have presented will meet that situation.

Mr. BRATTON. I suggest to the Senator from Wyoming that he tender all his amendments together in order that they may be considered by the Senate in a harmonious way.

Mr. SMOOT. I think that at least a half dozen amendments will be required.

Mr. KENDRICK. I offer the necessary amendments, and I ask that they may be read.

Mr. President, it is my conviction that legislation such as is proposed here will provide the best opportunity for the most highly economic use of these arid lands by the men whose needs for such lands are the greatest, and this bill, if enacted into law, will go a long way toward promoting the satisfactory settlement of the irrigation projects of the West.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole. The committee amendments will be first stated.

The first amendment of the Committee on Public Lands and Surveys was, in section 1, page 1, line 8, after the word "lands," to strike out "whether surveyed or unsurveyed"; and in the same line, after the word "within," to strike out "30" and insert "twenty," so as to make the section read:

SECTION 1. The Secretary of the Interior is hereby authorized and directed—

(a) To classify as pasture lands, and to designate as subject to entry under this act, all unreserved and unappropriated public lands within 20 miles of the boundaries of any Federal irrigation project in the State of Wyoming or any irrigation district legally organized under the laws of the State of Wyoming, if such lands do not contain merchantable timber, and if, in the opinion of the Secretary of the Interior, such lands (1) are not suitable or potentially suitable for any agricultural purpose other than the grazing of livestock, (2) are impossible of irrigation, either now or at any future time, from any known or available source of water supply, and (3) are not necessary for the development of mineral resources.

(b) To survey, as soon as practicable, all such pasture lands which are unsurveyed at the time of such classification.

(c) To withdraw from entry, except under this act, all the lands so classified and to restore to public entry any of the lands so withdrawn which are not required to carry out the purposes of this act; except that nothing in this act shall be held to defeat any vested right which has attached under any entry or location pending at the time of such withdrawal.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 7, after the word "lands," to insert the words "applied for"; in line 8, before the word "miles," to strike out "thirty" and insert "twenty"; and in line 10, after the word "acres," to insert "and (2) each such entry shall be made on available pasture lands nearest to the lands owned by the person making the application for such entry," so as to make the section read:

SEC. 2. Any person who owns irrigated lands in a Federal irrigation project in the State of Wyoming or within an irrigation district legally organized under the laws of the State of Wyoming may, if he resides upon such irrigated lands or in the immediate vicinity thereof, make entry upon and receive patent to an amount of pasture lands under this act to be determined by the Secretary of the Interior. Such determination shall be based upon the total amount of such lands available for entry in connection with each irrigation project or district and the number of settlers which each irrigation project or district will accommodate, except that (1) no entry shall be made under this act for an amount of pasture lands which, together with the irrigated lands and the lands applied for within 20 miles of the boundaries of the irrigation project or district owned by the person making the application for such entry, will exceed 640 acres, and (2) each such entry shall be made on available pasture lands nearest to the lands owned by the person making the application for such entry.

The amendment was agreed to.

The next amendment was in section 4, page 4, line 2, after the word "lands," to insert "thus entered"; and in line 8,

after the word "pasture," to insert "upon lands entered under this act," so as to make the section read:

SEC. 4. Any entryman of pasture lands under the provisions of this act shall have the right, either alone or in cooperation with other owners of irrigated lands within the irrigation project or district, to construct and maintain fences and inclosures upon such pasture lands thus entered, to drill wells and/or to establish reservoirs thereon for the watering of livestock, and to erect and maintain such buildings thereon as may be necessary for the proper care of such livestock; and, in order to promote the more efficient and economical administration of such lands, two or more entrymen may maintain a community pasture upon lands entered under this act, subject to such rules and regulations as the Secretary of the Interior may from time to time prescribe. A right of way shall be reserved to the United States upon any such pasture lands to the extent that the Secretary of the Interior may deem necessary for the establishment and maintenance of roads or passageways for livestock.

The amendment was agreed to.

The next amendment was, in section 5, on page 4, line 17, after the word "Within," to strike out "ten," and insert "five," so as to make the section read:

SEC. 5. Within five years from the date of entry of pasture lands under this act, proof shall be submitted by the entryman, or by the person legally in possession of such lands, that there has been expended for permanent improvements the sum of 50 cents for each acre of pasture land so entered and that such lands have been used in good faith for grazing purposes as provided in this act from the date of such entry. Such proof, if found regular and satisfactory, shall entitle the entryman, or the person legally in possession of such lands, to a patent subject to the limitations hereinafter provided. Actual residence upon such pasture lands shall not be required.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 6, after the word "shall," to insert "within 20 years from the date of filing the application for entry of such pasture lands"; and, in line 13, after the name "United States," to insert " : Provided, That any entryman may lease to another entryman for a period not to exceed one year "; so as to make the section read:

SEC. 6. (a) Neither the patentee of pasture lands under this act, nor his heirs or assigns, shall, within 20 years from the date of filing the application for entry of such pasture lands, sell or otherwise dispose of such lands separately from the irrigated lands owned by the entryman at the time of his entry under this act. Any such sale or other disposition shall be void and, in the event thereof, such lands with all their appurtenances shall revert to and become the absolute property of the United States: *Provided*, That any entryman may lease to another entryman for a period not to exceed one year. Each patent issued under this act shall contain an appropriate provision to such effect.

(b) If, between the date of entry and the issuance of patent for such pasture lands, any sale or other disposition of such lands is made, or attempted to be made, separately from the irrigated lands owned by the entryman at the time of his entry under this act, such entry shall be canceled; except that any such entryman may exchange his entry, at any time, for that of another such entryman, on a basis of acre for acre, but otherwise upon such terms and conditions as may be mutually agreed upon if the Secretary of the Interior approves such exchange as being to the mutual advantage and convenience of such entrymen.

(c) Upon a sale or other disposition by an entryman under this act, or by his heirs or assigns, of all or a part of the irrigated lands owned by such entryman at the time of his entry, the person acquiring such irrigated lands, if patent has been issued for such pasture lands, shall be entitled to receive a conveyance of such pasture lands in the same ratio that the irrigated lands so sold or disposed of bears to the total irrigated lands owned by such entryman at the time of his entry. In the case of a partial sale or other disposition of such irrigated lands, unless otherwise agreed by the parties, it shall be the duty of the entryman, his heirs or assigns, to specify the pasture lands to be so conveyed.

(d) If any such sale or other disposition of such irrigated lands is made prior to the submission of proof in respect of such pasture lands, the person acquiring such irrigated lands, without further act or deed, (1) shall succeed to the rights of the entryman, his heirs or assigns, in such pasture lands in the same ratio that the irrigated lands so sold or disposed of bears to the total irrigated lands owned by such entryman at the time of his entry, and (2) may submit proof and receive patent to such pasture lands as if he were the entryman thereof. In the case of a partial sale or other disposition of such irrigated lands, unless otherwise agreed by the parties, it shall be the duty of the entryman, his heirs or assigns, to specify the pasture lands to which such rights shall apply.

The amendment was agreed to.



The next amendment was, in section 8, page 7, line 24, after the word "coal," to insert "oil," so as to make the section read:

SEC. 8. All entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal, oil, and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same, and, so far as practicable, the provisions of section 9 of the stock raising homestead act, approved December 29, 1916, as amended, shall be applicable to all such entries and patents.

The amendment was agreed to.

The next amendment was, in section 11, page 8, line 19, after the word "within" to strike out "30" and insert "20," so as to make the section read:

SEC. 11. (a) The provisions of this act, except sections 1, 9, and 10, shall take effect as to any irrigation project or district upon the completion of the classification of the pasture lands within 20 miles of the boundaries of such irrigation project or district.

The amendment was agreed to.

The CHIEF CLERK. The Senator from Wyoming offers the following amendments:

First, on page 1, line 10, after "Wyoming," insert a comma and the words "Montana or New Mexico."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 1, strike out "the State of Wyoming" and insert in lieu thereof "any such State."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 20, after "Wyoming," insert a comma and the words "Montana or New Mexico."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 22, strike out "the State of Wyoming" and insert in lieu thereof "any such State."

The amendment was agreed to.

The CHIEF CLERK. On page 3, line 7, strike out beginning with the word "and" down to and including the word "district" in line 9.

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 9, after "Wyoming," insert a comma and the words "Montana or New Mexico."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 10, strike out "the State of Wyoming" and insert "any such State."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 11, strike out "the State of Wyoming" and insert in lieu thereof "any such State."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico."

#### HAWAII NATIONAL PARK

The bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator withdraw his objection?

Mr. LA FOLLETTE. I will withdraw my objection for the purpose of letting the Senator make a statement, but I shall have to insist upon the objection.

Mr. BINGHAM. I should like to call the Senator's attention to the fact that a duplicate bill was considered in the House yesterday, and at the request of the Delegate from Hawaii it was very considerably amended so as to correct the boundaries, and was put in perfected form; and I should like to have the House bill which came over this morning, H. R. 10418, substituted for this bill. Both bills were originally introduced at the request of the department in order to perfect the titles of the park near the great crater of Kilauea, on the island of Hawaii. The bill as originally presented was imperfect. It has now been perfected in the House, and I think that what the Senate should consider is the perfected bill.

Mr. LA FOLLETTE. I discussed this matter at some length with the junior Senator from North Dakota [Mr. NYE], who is the chairman of the committee reporting the bill, and he requested me to see that it should not be considered until he could be present. I do not know whether or not the amendments adopted in the House meet the objections which the Senator from North Dakota had in mind, but, under the circumstances, I ask that the bill go over without prejudice.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

#### LANDS IN MONTANA

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 6, after the words "5 north of ranges," to strike out "45" and insert "49," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to enter into a cooperative agreement or agreements with the State of Montana and private owners of such lands in townships 4 north of ranges 50 and 51 east; 5 north of ranges 49, 50, and 51 east; and 6 north of ranges 49, 50, and 51 east, Montana principal meridian, as lie between Mispah and Pumpkin Creeks, in the State of Montana, whereby such lands and lands within the same area belonging to the United States may be jointly leased for a period of not to exceed 10 years to stockmen owning lands within or adjacent to the said area, under such rules and regulations as the Secretary of the Interior may prescribe; and to enter into such an agreement and issue such a lease to a regularly organized association of such stockmen as will fulfill the purposes of this act: *Provided*, That the lands of the United States within the said area shall be withdrawn from all forms of homestead entry during the period of said lease but shall remain subject to the mineral land laws of the United States: *And provided further*, That any lease issued under the provisions of this act shall be for grazing and range development purposes only: *And provided further*, That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of this act with a view to securing the fullest possible benefit to the Government and the livestock industry of such studies as may be made of the operation and results of said cooperative agreements and leases.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### ORDER OF BUSINESS

Mr. BLEASE. Mr. President, I observe that the unanimous-consent agreement states that the call of the calendar is to be started at No. 355. What became of the bills from 106 up to 355?

The PRESIDENT pro tempore. They remain in their original status on the calendar. The Chair will say to the Senator that those bills were called up on the last call of the calendar.

Mr. BLEASE. But what was done last night after the end of the discussion on the migratory bird bill? When we quit yesterday afternoon we were talking about the stealing that has been going on and as to who is going to be the next President; and the bill supposedly before the Senate was Order of Business 106, Senate bill 1271, the so-called migratory bird bill. How did we get to Order of Business 355?

The PRESIDENT pro tempore. Because the migratory bird bill having been passed over from time to time on account of the absence of the Senator from South Dakota [Mr. NORRICK], when it was reached yesterday on the call of the calendar a motion was made to proceed to its consideration.

Mr. BLEASE. I should like to know what becomes of Order of Business 325, Senate bill 1728. What record was made of that bill?

The PRESIDENT pro tempore. It was passed over. The Chair's recollection is that it was passed over upon the objection of the Senator from South Carolina.

Mr. BLEASE. No, sir; I was not here if it was called yesterday. I want to know what was done with Order of Business 325. I want to know from the Record—not from what somebody thinks about it.

Mr. ROBINSON of Arkansas. That bill was not called this morning. It was called yesterday, as I remember, and the Senator from South Carolina objected to its consideration.

Mr. BLEASE. No, sir; it was not reached yesterday, and the Record so shows.

The PRESIDENT pro tempore. On the 14th of March, according to the Journal, that bill was reached and passed over.

Mr. BLEASE. That is when I objected; and it is still passed over? Is that right?

The PRESIDENT pro tempore. Yes.

Mr. BLEASE. When we get to it, I want to move to change the title to "a bill to perpetuate Republicans in office."

#### BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### GEORGE WASHINGTON BICENTENNIAL COMMISSION

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. KING. Let that go over.

Mr. FESS. Will the Senator from Utah withhold his objection for just a moment?

Mr. KING. I will withhold it; but may I say to the Senator that I am advised that a Senator who is not here desired that it go over in his absence?

Mr. FESS. Will the Senator withhold his objection for just a moment?

Mr. KING. Oh, yes.

Mr. FESS. Mr. President, the first publication of the writings of Washington was made 90 years ago by Jared Sparks, who published an edition of 12 volumes, at that time thought to be complete, but far from complete, as was found when the examination was made. Thirty-eight years ago Worthington Ford undertook to publish a definitive edition in 15 volumes. There are thousands of letters of General Washington that have never seen print, according to the director of the manuscript division of the Library. The regents of the Mount Vernon Association had sought to publish the rest of these letters. They have found, as I have stated, thousands of them that have not yet been published. Guizot published in 1840 an edition in six volumes. I am told that there are no copies available of either the Sparks edition or the Ford edition except on the shelves of some of the larger libraries.

It would appear, from what I have learned, that the writings of Washington are sought more than those of any other American. That is the information I have from the acting chief of the manuscript division of the Library. I am very anxious that a definitive edition of Washington's letters and writings shall be published in accordance with the recent recommendation of the Bicentennial Commission. While I have not any concern about this Washington series, as to which there is some objection, I hope the bicentennial will see the complete publication of these writings of Washington—an effort that has been made before, but never completed—and in due time I want to ask the Senate to give it careful consideration.

The PRESIDENT pro tempore. The bill will be passed over.

#### MARSHAL OF SUPREME COURT

The bill (H. R. 8725) to amend section 224 of the Judicial Code was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 6, after the word "exceed," to strike out "\$6,000" and insert "\$5,000," so as to read:

*Be it enacted, etc.,* That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"SEC. 224. The marshal is entitled to receive a salary of not to exceed \$5,000 per annum, payable monthly, the same to be fixed by the court.

The amendment was agreed to.

Mr. KING. Mr. President, let the bill go over. However, I should like the Senator from Wisconsin [Mr. BLAINE] to ex-

plain the bill. What is the object of the bill? Does it increase the salaries of all the marshals and put them in the same category, or what is its object? I have objected to its consideration, but I shall be glad to hear the Senator's explanation.

Mr. BLAINE. For the information of the Senator from Utah and the Senate, I will suggest that the salary first fixed for the marshal—

Mr. KING. Does the bill relate to the marshal of the Supreme Court only?

Mr. BLAINE. The marshal of the Supreme Court only.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The objection is withdrawn. The Secretary will state the next amendment of the committee.

The next amendment was, on page 2, line 1, after the word "court," to strike out "with the compensation allowed to officers of the House of Representatives of similar grade," so as to read:

He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. BAYARD. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

#### CORN SUGAR

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an article relative to corn sugar, which appeared in the New York Journal of Commerce on the 3d day of March.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

DOCTOR WILEY OPPOSES SENATOR COPELAND—THE DOCTOR SETS THE SENATOR RIGHT ON SEVERAL POINTS ON CORN SUGAR

Because Doctor Wiley has so forcibly expressed himself in opposition to certain proposed legislation which has recently been introduced in both Houses of Congress, permitting the use of corn sugar as an ingredient in the manufacture of food products without the declaration on the label of its presence, as exclusively reported in the grocery section of the Journal of Commerce of Saturday, February 18, the grocery editor wrote to Doctor Wiley, asking him for his comments on an article entitled "Finds corn sugar cheaper and more wholesome," by Senator ROYAL S. COPELAND, published in the grocery annual of the Journal of Commerce of January 28. Dr. Harvey W. Wiley, it will be remembered, was one of the most prominent leaders of the fight for the enactment of the pure food and drugs act more than 20 years ago. President Roosevelt appointed him the first Director of the Bureau of Foods and Drugs, and he is now directing the affairs of the bureau of foods, sanitation, and health of Good Housekeeping Magazine. Senator COPELAND advocates the use of corn sugar as a farm-relief measure and as best for canning purposes. Doctor Wiley's letter follows:

"I have your letter in which you send me a copy of Senator COPELAND's letter published in the Journal of Commerce Saturday, January 28, 1928, and in which you ask me for some remarks on Senator COPELAND's letter.

"Senator COPELAND has such an admirable record as an exponent of ethical doctrines relating to our food, and also by reason of his position as a Senator of the United States, as to command attention for all he says on this subject. Since you ask me, however, to make some comments on his letter, I reluctantly consent.



## CHEMICAL CRITICISM OF SENATOR

"Senator COPELAND's statement of the exigencies in farm life are not at all overdrawn, I think. Particularly do I approve of his statement: 'Unless the farmer sells at a profit he can not buy.' When the Senator comes to discuss the sugar question, however, he makes some statements which are subject to chemical criticism. He says, in speaking of sugar: 'In this connection when I speak of sugar I mean cane sugar or beet sugar, both varieties of which are known to the chemist as sucrose.' This is a true statement. Also every consumer in this country who buys and uses sugar agrees with Senator COPELAND's definition of the term. The following quotation is also quite true: 'This form of sugar is found in trees, roots, and grasses—sugar cane, beets, and maple trees being its chief source.' This also is quite correct.

## GRAPE SUGAR IS CANE SUGAR

"When the Senator leaves this part of the theme, in which his position is beyond criticism, he gets into trouble. He seems to forget that cane sugar is the only sugar that exists in plants. It either exists as cane sugar, as it does at first, or if it is found in acidulous plants, such as grapes, citrus fruits, and malic fruits, a part of it may be converted into equal portions of dextrose and levulose. He states that dextrose is commonly called grape sugar, because it is found abundantly in grapes. The grape sugar in grapes is no exception to the rule. It does not mean dextrose, as he says, but it means equal parts of dextrose and levulose derived from cane sugar.

"It is true, as Senator COPELAND says, that dextrose is predigested sugar, and adds:

"The more we take of digested and converted sugar the better for us. On this account the ideal sweetening product is dextrose."

"Careful estimates of the relative sweetness of dextrose as a predigested sugar and sucrose show that dextrose is a little less than half as sweet as cane sugar, and for this reason it can not be an 'ideal sweetener.'

## DEXTROSE NOT CORN SUGAR

"The Senator also falls into the very common error of calling dextrose corn sugar. Dextrose is not corn sugar. All the sugar in corn of all kinds, and especially sweet corn, is cane sugar pure and simple. Dextrose, erroneously called corn sugar, is, in point of fact, starch sugar. It results from converting starch into dextrose through the influence of heating starch with acid. At the present time the acid employed is generally hydrochloric, the same acid which exists in the human stomach and without which the digestion of protein in the stomach is impossible.

## OBJECTS TO SUCH FARM RELIEF

"Senator COPELAND's plan of securing farm relief by permitting starch sugar made as above described to be added to all food products, except honey, and thus sold to the American consumer under the impression that he is buying sugar is highly objectionable. It might bring some little relief to the corn grower, but it would permit a fraud to be practiced on every consumer in the country. The consumers of sugar are far more numerous than the growers of corn and should not be taxed in this way even for the benefit of the corn grower. If, however, any substantial relief is to come to the corn grower by the Senator's plan it must be at the expense of the maple-sugar industry, the beet-sugar industry, and the cane-sugar industry. This method of taxing Peter to pay Paul is not likely to attract any very considerable farm support.

## UNLESS LABELED IT IS MISBRANDED

"Senator COPELAND very truly sees the point when he says:

"Under these circumstances many of the Federal and State food officers would construe fruit canned with 'corn sugar' as being misbranded unless so labeled."

"This is quite true. For this reason the pending measures in the Senate and the House legalizing the use of so-called 'corn sugar,' without notice to the consumer, in all food products except honey is a direct violation of the existing food law. The claim made that the pending bill is not a repeal of the food law is wholly untenable and indefensible.

"I feel certain that the Senator, when he examines this measure more carefully, will see the point I make.

"I am, yours sincerely,

"H. W. WILEY."

## BILL PASSED OVER

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

## CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. I should like an explanation of that bill.

Mr. SHORTRIDGE. Mr. President, this bill for relief was very carefully considered by the Committee on Naval Affairs and the report sets out the reasons why the committee reported the bill favorably. May I invite the attention of the Senator to

the paragraph on the first page of the report, the last paragraph on the page, which reads:

Section 25 of the act of March 4, 1923, provides that "Any officer of the regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank." While Mr. Sies's physical disability was incurred within the period above described, he was not eligible for the benefits and considerations of the terms of that section as he was retired prior to December 31, 1921—

Mr. KING. Mr. President, may I interrupt my friend from California? In view of the fact that we passed a retirement bill the other day, I hope he will do me the kindness to let this bill be passed over to see whether this will fit into that provision; and if so, whether there would be a proper integration, or whether it needs additional legislation. I shall be under obligations if he will let it be passed over for the moment.

Mr. SHORTRIDGE. Yes; but for the RECORD, with the permission of the Senate, let me finish that sentence, to show why the committee felt it proper so to report:

i. e., Mr. Sies was retired on December 5, 1921, 26 days prior to the period stated by law, and the bill seeks to grant him the benefits to which he is entitled similar to other officers of the Navy who incurred disability while serving in a higher temporary commission.

In other words, he was retired 26 days prior to a date which would have entitled him to this relief.

The PRESIDENT pro tempore. The bill will be passed over.

## JOSEPH CUNNINGHAM

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, this bill relates to a very aged man. I saw him in Sacramento last year. He must be away up in the eighties. It is a meritorious bill, and it would give him mental relief far more than any monetary award. I hope the bill may pass without further delay.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. KING. Mr. President, I am advised that this is a case where a man deserted. If there is any excuse, if there are any extenuating circumstances, I shall be very glad to hear them.

Mr. SHORTRIDGE. If the Senator will have the goodness to look at the letter written by Mr. Cunningham, found in the report, he will find this:

When I got well I reported to the provost marshal at Raleigh, N. C., and he would not have anything to do with me, so I worked my way up to Columbus, Ohio.

In this case the soldier claims that he did not desert. He is now a very old man, he rendered faithful service to our Government, and I take a personal interest in him, having seen him and talked with him. However, if the Senator wishes to consider the matter further, I can not, of course, object to that.

Mr. KING. If the Senator will pardon me, I notice that the report of The Adjutant General does not give any extenuating circumstances at all. He states:

Upon this presentation of the case the application for removal of the charge of desertion and for an honorable discharge was denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865; that it does not appear that he was prevented from completing his term of enlistment by reason of a disability incurred in the line of duty, and because the case does not come within any of the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges against soldiers of the Civil War.

Mr. SHORTRIDGE. Having taken up so much time, may I read what the committee says? I read from the report:

In view of the fact that this soldier served until April 12, 1865, a few days prior to May 1, 1865, at which time he would have been eligible for honorable discharge, your committee does not feel that he willfully deserted, and is inclined to believe the statements contained in his affidavit and that the relief requested should be granted.

Mr. CARAWAY. May I ask the Senator a question?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. How long had this man been in the service?

Mr. SHORTRIDGE. The report states that he entered in 1863, I believe.

Mr. KING. In December, 1863.

Mr. CARAWAY. And he stayed until the fighting was over?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. He left the colors on April 12, did he not? He was with his command until after the surrender?

Mr. SHORTRIDGE. Certainly.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the word "Army" and the comma, to strike out the words "their widows, children, and dependent relatives"; and on page 2 to strike out section 2, so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Joseph Cunningham shall be held and considered to have been honorably discharged as a private, Company F, Forty-third Ohio Infantry, on April 12, 1865; but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph Cunningham."

#### FLOOD CONTROL

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was announced as next in order.

Mr. JONES. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### RULES IN COMMON-LAW ACTIONS

Mr. COPELAND. Mr. President, what became of Calendar No. 457, Senate bill 759, to give the Supreme Court of the United States authority to make and publish rules in common-law actions?

The VICE PRESIDENT. It went over under objection.

Mr. COPELAND. I ask that in connection with that bill a short letter from the American Bar Association be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,  
March 12, 1928.

HON. ROYAL S. COPELAND,  
Washington, D. C.

#### BILL S. 759—MODERNIZING THE COURTS

MY DEAR SENATOR: Upon the convening of Congress the undersigned committee, acting under the instruction of the American Bar Association, took the liberty of directing your attention to Senate bill No. 759, designed to modernize the detail, practice, and procedure of the courts.

The bill has now been reported. Senator SACKETT, the patron, and Senator DENEEN, who is preparing the report, have kindly informed us that in a short time it will be called up for a vote. Inasmuch as the minority report corrects several vital historic facts upon which the majority depend, a study of it is requested.

Conscious of the highly unsatisfactory condition of the detail mechanical operation of litigation, of which such universal complaint is being made as to impair faith in and respect for the courts, the lawyers surrendered all pride of opinion in the public interest and agreed upon a plan. We are directed to express the hope that this unanimity will appeal to you. Not a change will be required in a statute or law or permanent procedure regulating rights, attachment, evidence, limitations of actions, juries, and the like. The bill affects only the mechanical details of getting into court and the detail conduct of the case thereafter, which will thereafter be regulated by a few simple rules instead of statutes. Members of the Supreme Court so testified before the subcommittee of the Judiciary Committee of the Senate February 2, 1924. The bill S. 759 will replace section 914, which supplanted section 17 of the original judiciary act of 1781, which gave absolute rule-making power to the courts. The rule-making power was exercised until 1873, when section 914, the conformity statute, was adopted.

The following organizations of lawyers participated: The American Bar Association; the National Conference of Appellate Judges, known as the judicial section of the American Bar Association; the several State bar associations; the Conference of Delegates from State, city, and county bar associations; the deans of the law schools; the law journals; and the Commercial Law League of America. The plan is approved by the National Civic Federation, the National Credit Men's Association, the Chamber of Commerce of the United States, and others, and is advocated by a majority of the press. Some of the States are already putting the plan into effect.

The lawyers respectfully ask for your indorsement of their unselfish effort, whatever may be your personal views.

Realizing the pressure upon you, it is requested that no reply be made.

We are, Senator, with great respect,

Sincerely yours,

THOMAS W. SHELTON, *Chairman*.  
JACOB M. DICKINSON.  
EDWIN W. SMITH.  
WALTER S. FOSTER.  
FORNEY JOHNSTON.

#### VOCATIONAL EDUCATION

The bill (S. 1731) for the more complete development of vocational education in the several States was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### RED RIVER BRIDGE, ARKANSAS

The bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark., was announced as next in order.

Mr. CARAWAY. Let that go over temporarily.

The VICE PRESIDENT. The bill will be passed over.

#### FRANCIS J. YOUNG

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Mr. President, may I ask if it has been the custom to allow salaries in cases of this kind? It is a bill introduced by the Senator from Illinois [Mr. DENEEN].

Mr. DENEEN. Mr. President, I have not the information which would enable me to answer that question. The gist of the report is contained in the last paragraph, on page 2. Mr. Young was in the Consular Service. I read:

His consular duties and responsibilities had been heavy, embracing as they did the entire period of the war at important posts, and his loss of health and resultant death were due to his service in hostile countries under adverse conditions.

It is recommended by the former Secretary of State that the amount carried in the bill be appropriated for his father, equivalent to a year's salary.

Mr. KING. I have no objection, if that has been the rule; but if we are to compensate the relatives of every person who dies in the Consular Service, I do not see why we should not compensate the estates of persons employed in the service in Alaska or in Mexico, or employed in any other activity of the Government. It is simply a question of policy. I ask that the bill go over until we can look into it.

Mr. DENEEN. Let it go over without prejudice.

The VICE PRESIDENT. The bill will be passed over.

#### SECURITY NATIONAL BANK, LAWTON, OKLA.

The bill (S. 50) for the benefit of the Security National Bank, of Lawton, Okla., was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely from the Committee on Claims.

Mr. KING. I ask that it be indefinitely postponed.

The VICE PRESIDENT. The bill will be indefinitely postponed.

#### NELLE M'CONNELL

The bill (S. 2764) for the relief of Nelle McConnell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "agriculture," to strike out the remainder of the bill, so as to make the bill read:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of Nelle McConnell, widow of Wilbur Ross McConnell, late a scientific assistant in the Bureau of Entomology of the United States Department of Agriculture.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM R. BOYCE & SON

The bill (S. 379) for the relief of William R. Boyce & Son was considered as in Committee of the Whole, and was read, as follows:



*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,208.25 to William R. Boyce & Son for storage earned on certain 75 drums of imported alcohol stored by order of the collector of customs, port of New York, for the account of the United States Government, in bonded warehouse of which they are the proprietors, and subsequently destroyed by order of the United States Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### UNA MAY ARNOLD

The bill (S. 1108) for the relief of Una May Arnold was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Una May Arnold, a former employee of the Veterans' Bureau, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### STANDARD OF WEIGHTS AND MEASURES

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. I received a letter from the Senator from Tennessee [Mr. Tyson] this morning saying he has some objection to this measure, and I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

#### TRANSPORTATION OF ANIMALS

The joint resolution (S. J. Res. 63) to amend sections 1 and 2 of the act of March 3, 1891, was considered as in Committee of the Whole.

Mr. KING. Mr. President, will not the Senator from Oregon briefly explain how this would change existing law?

Mr. McNARY. A similar joint resolution, I may say to the Senator from Utah, has passed the House. It simply attempts to amend the act of 1891, which authorized the Secretary of Agriculture to keep animals safely in transportation. The joint resolution is amended to include not only cattle and horses, but sheep, swine, and mules. It is a humanitarian measure. I ask that the House joint resolution be substituted for the Senate measure.

The VICE PRESIDENT. Without objection, House Joint Resolution 140 will be substituted for the Senate joint resolution.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 140) to amend sections 1 and 2 of the act of March 3, 1891.

Mr. McNARY. I move that the amendments proposed by the committee to Senate Joint Resolution 63 be made to House Joint Resolution 140, now pending.

The VICE PRESIDENT. The clerk will state the amendments.

The CHIEF CLERK. On page 1, line 7, after the word "horses" and the comma, to insert the words "mules, asses"; on page 1, line 11, after the word "horses" and the comma, to insert the words "mules, asses"; on page 2, line 2, after the word "horses" and the comma, to insert the words "mules, asses"; on line 8, after the word "horses" and the comma, to insert the words "mules, asses"; and on line 13, after the word "horses" and the comma, to insert the words "mules, asses," so as to make the joint resolution read:

*Resolved, etc.,* That sections 1 and 2 of the act of March 3, 1891 (26 Stat. L. 833), be amended by adding, after the word "cattle," as it occurs in lines 4 and 6 of section 1 and in lines 2 and 5 of section 2, a comma followed by the words "horses, mules, asses, sheep, goats, or swine," so that said sections as hereby amended shall read as follows:

"That the Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle, horses, mules, asses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, mules, asses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide

to be necessary for the safe and proper transportation and humane treatment of such animals.

"Sec. 2. That whenever the owner, owners, or master of any vessel carrying export cattle, horses, mules, asses, sheep, goats, or swine shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle, horses, mules, asses, sheep, goats, or swine from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly."

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The VICE PRESIDENT. Without objection, Senate Joint Resolution 63 will be indefinitely postponed.

#### KARIM JOSEPH MERY

The bill (S. 1970) for the relief of Karim Joseph Mery was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### JENNIE ROLL

The bill (H. R. 926) for the relief of Jennie Roll was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$517.64, being the amount of vouchers amounting to \$404.31, received by her late husband, T. E. Roll, for services rendered the Government as carrier on the star mail route out of Ross, Ohio, and which were uncashed at the time of his death and \$113.33 for the two months immediately preceding his death, during which he performed said services for which no vouchers were received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MAJ. F. ELLIS REED

The bill (H. R. 3673) for the relief of Maj. F. Ellis Reed was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANCES L. DICKINSON

The bill (H. R. 7110) for the relief of Frances L. Dickinson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN ROOKS

The bill (H. R. 8093) for the relief of John Rooks was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### VICTORINA MESA, OF CAVITE, P. I.

The bill (H. R. 8887) for the relief of Victorina Mesa, of Cavite, P. I., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROADS ON INDIAN RESERVATIONS

The bill (S. 1145) to authorize appropriations for roads on Indian reservations was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That an appropriation of \$250,000 is hereby authorized, out of any money in the Treasury not otherwise appropriated, to be available until expended, for the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal highway act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. KING. Mr. President, I ask for an explanation of this bill.

Mr. ASHURST. Mr. President, possibly I may more succinctly and concisely explain the bill by reading from the report of the honorable Secretary of the Interior addressed to the chairman of the Committee on Indian Affairs, the Senator from North Dakota [Mr. FRAZIER]: I shall not read all of the report,

but only the pertinent paragraphs, reading from page 2, beginning near the center of the page:

With the success of the five-year industrial program and the resultant increased acreage and crop production, each year the Indians have a larger surplus, which in many cases under present conditions must be taken to market, if at all, over some of the worst roads in the country, which are, in fact, practically impassable at times.

No one thing will contribute more to the industrial welfare and progress of the Indians than the construction of the improved local roads mentioned herein, the lack of which seriously handicaps them in many ways.

If an appropriation of \$250,000 could be secured therefor, to remain available until expended, it would remove this handicap and give substantial impetus to our work among the Indians. The money would be spent only on reservations where the Indians have no available tribal funds that could be used for the purpose.

In other words, our program of road building, as Senators will remember, embraces the expenditure of some \$75,000,000. It has proved to be a success, I think, but in many of the Western States there are vast areas of land within Indian reservations. The appropriations we make regularly for roads may not be spent on Indian reservations, referring now to the States of Arizona and New Mexico. I will take Arizona first. Thirty thousand square miles of that State are within reservations of some sort. I think 30,000 square miles alone are in an Indian reservation, and it seems but fair that the Government, whilst appropriating money for the construction of roads for its white population, should consider the justice and the advisability of making appropriations for roads on Indian reservations, where there are no tribal funds and no other appropriation is available. I ask Senators to consider the bill.

The amendment proposes to strike out all after the enacting clause. The original bill, which I introduced, proposed an expenditure of two and a half million dollars, \$500,000 to be available for the fiscal year ending in 1928, a million dollars to be available in the fiscal year ending June 30, 1929, and an additional million in the year ending June 30, 1930. But to my great regret and to my most poignant disappointment the department found that an appropriation to exceed the sum of \$250,000 would be in conflict with the economy program, but that an appropriation of \$250,000 would not be in conflict with the program.

Mr. DILL. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. DILL. Does the Senator think that small amount would be of any practical value?

Mr. ASHURST. Yes; it would be of great value.

Mr. DILL. I am very much in favor of the Senator's bill, but I think the amount is too small to meet the needs of the situation.

Mr. ASHURST. My disappointment was very great. I had hoped that we might have about half a million dollars a year, but the Secretary of the Interior went as far as he could, I think, under the conditions, and we will be fortunate if we are able to have that much in the future.

Mr. FLETCHER. The bill applies to all States having Indian reservations?

Mr. ASHURST. Oh, yes. The State of New Mexico, which is a sister State, and the State of Utah, right north of us, are probably in need of such roads on reservations—I will not say more in need than Arizona, but equally in need.

Mr. WALSH of Montana. Mr. President, I trust the Senator will not exclude Montana. I had a most earnest appeal a few days ago for relief there.

Mr. ASHURST. This fund, although small, would be expended under the direction of the Secretary of the Interior. I would not think of such an ungracious thing as to urge the Secretary to begin with Arizona, and if he should call for my opinion I would say, because I have been over some of her roads, that the State of Montana is in need of such roads. The Senator said he hoped the Senator from the State of Montana will not be overlooked. As long as he and his colleague are here there is no danger of Montana being overlooked.

Mr. FLETCHER. Are there no tribal funds in any of these reservations?

Mr. ASHURST. No. There are many tribes that have funds, but there are many tribes that have no funds. This fund is proposed to be expended upon the reservations of Indians who have no money.

Mr. DILL. The reason why I mentioned the small amount is that bills introduced for the purpose of authorizing the expenditure of funds for roads across Indian reservations where the Indian tribes have no funds have been reported back as in conflict with the President's financial program because of the bill of the Senator from Arizona; that is, they have used the

bill of the Senator from Arizona as a reason why they would not favorably report other bills that ordinarily would be favorably reported. That is why I spoke of the small amount covered in the Senator's bill.

Mr. ASHURST. Of course, it would be almost a futile thing, almost nothing but a gesture, to pass this bill and remain silent in the future. I believe we shall be obliged to see to it in the future that an appropriation of this amount, or probably \$500,000 annually, shall be made for like purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to authorize an appropriation for roads on Indian reservations."

#### ARAPAHOE AND CHEYENNE INDIANS

The bill (S. 3343) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 9, to strike out the words "two years" and insert in lieu thereof the words "one year," so as to make the bill read:

*Be it enacted, etc.,* That chapter 667 of volume 44 of the Statutes at Large (44 Stat. L. 764) be, and it hereby is, amended to read as follows:

"That the time within which suit or suits may be filed under the terms of the act of Congress of June 3, 1920 (41 Stat. L. 738), is hereby extended for the term of one year from the date of the approval of this act for the purpose only of permitting the Arapahoe and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana, and Oklahoma, to file a separate petition or suit in the Court of Claims for the determination of any claim or claims of said tribes of Indians to the whole or any part of the subject matter of any pending suit, or to file other suits hereafter under the terms of said act; and the court is hereby authorized to render final judgment in such suits: *Provided*, That unless such petition be filed in the suit or suits authorized by said act within the time herein stated all right of intervention by the Arapahoe and Cheyenne Tribes of Indians therein shall be forever barred."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. BORAH. Let the joint resolution go over.

Mr. HEFLIN. Mr. President, I move that the joint resolution be taken up for consideration.

The VICE PRESIDENT. The motion is not in order under the unanimous-consent agreement. On objection the joint resolution goes over.

Mr. HEFLIN. Was there objection to its present consideration?

The VICE PRESIDENT. The Senator from Idaho asked that the joint resolution go over.

Mr. BORAH. Yes; I objected to the consideration of it at this time for the reason that manifestly we can not dispose of it under the five-minute rule.

Mr. HEFLIN. We are going to discuss it a good deal under the five-minute rule. I will have five minutes on every bill that is called, and I shall talk about this proposition and see if we can not get it considered by the Senate.

The VICE PRESIDENT. The unanimous-consent agreement provided for the consideration of unobjected bills only. Therefore, a motion to proceed to the consideration of the joint resolution at this time is not in order. Objection is made to the present consideration of the joint resolution.

Mr. HEFLIN. I was just saying that I have a right to discuss for five minutes any measure that is called, until I decide whether I shall object or not.

The VICE PRESIDENT. The Senator has that right.

Mr. HEFLIN. Under that provision I can speak for five minutes.

The VICE PRESIDENT. Present consideration of the joint resolution has been objected to, and it has gone over, so there is nothing before the Senate at the present time.



Mr. HEFLIN. But there will be something before the Senate in a moment.

#### FORT HALL INDIAN RESERVATION

The bill (H. R. 308) authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation was announced as next in order.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 for surveys and investigations to determine the feasibility and cost of irrigating the Michaud division and other lands on the Fort Hall Indian Reservation: *Provided*, That said sum, or any part thereof that may be expended for this work, shall be reimbursable when this or any other division of the project for which surveys shall be made hereunder is adopted for construction under such rules and regulations as may be prescribed by the Secretary of the Interior, and there is hereby created a first lien against all such lands that may be brought within said division or divisions of the Fort Hall project, which lien shall attach to all lands benefited from the date of the adoption of the particular unit of the project under which such lands lie for construction, and said lien shall include all expenditures made therefor and shall be recited in any patent issued after the adoption of any such unit of the project for construction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### MESCALERO RESERVATION, N. MEX.

The bill (S. 3007) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex., was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object—

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PROTECTION OF WATERSHED WITHIN CARSON NATIONAL FOREST

The bill (H. R. 8824) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex., was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object—

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That upon recommendation of the Secretary of the Interior the President of the United States be, and he is hereby, authorized to withdraw by Executive order or proclamation from any or all forms of entry or appropriation under the land laws of the United States any lands of the United States within the watershed of the Rio Pueblo de Taos, Carson National Forest, N. Mex., from which the Indians of the Taos Pueblo obtain water for irrigation and domestic purposes: *Provided*, That the Secretary of Agriculture may, in his discretion, promulgate regulations to govern the use and occupancy of

lands withdrawn under the provisions hereof, and to protect said lands from any act or condition which would impair the purity or volume of the water flowing therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EAST BOUNDARY OF PAPAGO INDIAN RESERVATION, ARIZ.

The bill (S. 3026) authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz., was announced as next in order.

[Mr. EDGE addressed the Senate. His remarks appear elsewhere in to-day's RECORD.]

[Mr. HEFLIN addressed the Senate. His remarks appear elsewhere in to-day's RECORD.]

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the sum of \$15,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for expenditure under the direction of the Secretary of the Interior for the purchase of barbed wire and posts and transportation of the same for use in the construction of a fence on or near the east boundary of the Papago Indian Reservation, Ariz., beginning at the international boundary line and extending in a northerly direction for approximately 60 miles: *Provided*, That no part of said appropriation shall be expended in payment of labor for the erection of said fence.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DEMAND OF RETURN OF MARINES FROM NICARAGUA

Mr. HEFLIN. Mr. President, I have on my desk a copy of the Washington Post of last Friday, I believe, stating that a thousand more American marines are going to Nicaragua. I do not know just how many marines or soldiers we have in Nicaragua. We must have some 10,000 or more. We have been in a state of war in Nicaragua for more than a year. I want to remind the Senate and the country that the Constitution has not been changed and that Congress is still charged with responsibility and is the only body that has authority to declare war and to conduct war. If Congress will not appropriate money to buy guns and ammunition and will not furnish the food supplies and uniforms for the soldiers, we can not legally have war. Yet the President of the United States is conducting a war in Nicaragua, and here sits the Congress supinely bowing submissively to this usurpation of the power of Congress.

I wonder if Congress has made up its mind to surrender the right that belongs to it under the Constitution and permit the President to continue these operations in Nicaragua against natives who are fighting each day to preserve the independence of their country free from foreign interference.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. DILL. Has the Senator thought of the fact that if we keep on sending marines to Nicaragua we will have as many marines down there by election day as there will be votes at that time?

Mr. HEFLIN. I thank the Senator for the suggestion.

Mr. President, this performance in Nicaragua is enough to make our Nation hang its head in shame. It is rumored that the Liberal leaders were brought out; that they were corrupted; that American money from those who are interested in property which they are pillaging and plundering in Nicaragua furnished the money; and that certain leaders of the Liberals sold out and have consented to the arrangement suggested by Diaz, the Roman Catholic imposter and usurper. This Nation is a party to that awful crime. Sandino crying for liberty, begging for the deliverance of his country from the invader, sounds like the cries our fathers made in the days of the Revolution when they were asking that the British forces be withdrawn.

I have here an editorial from some paper entitled "Americans in '76 and Nicaraguans in '28," which reads in part, as follows:

"They will not surrender," said Benjamin Franklin to a member of the House of Commons in the American Revolution, "so long as they have their woods and their liberty."

"I shall never recognize a government imposed by a foreign power," said Sandino, head of the Nicaraguan revolutionists, in answer to Admiral Sellers's inquiry concerning what condition Sandino would accept to lay down his arms.

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken for five minutes on the pending bill.)

Mr. HEFLIN. Mr. President, I want to finish reading what Sandino said. They asked him upon what conditions he would surrender and turn over his government to the invader. Here is his reply:

I demand the immediate withdrawal of the [American] invading troops.

He had just said:

I shall never recognize a government imposed by a foreign power.

That is good American doctrine. That is the doctrine that we have inculcated in our children from Revolutionary days to this good time, and now we are in Nicaragua pursuing a patriot who is fighting for the same principle, and we are asking him upon what terms he will surrender. I wonder if the suggestion is thrown out to him that he might get some coin, too, like those who sold out under the Stimson agreement.

Continuing, this editorial reads:

It was Edmund Burke, in his speech on conciliation of the American Colonies, who quoted with commendation Franklin's words on the floor of the British House of Commons.

What American will now quote with commendation these words of Sandino's on the floor of the American Congress?

Franklin's countrymen were rebelling against the oppression of their mother country.

Sandino's countrymen are rebelling not against their mother country but rather against the authority imposed upon them by a foreign nation. Sandino's men are striving to rescue the sovereignty of Nicaragua from the grip of a foreign power into which that sovereignty has been betrayed by the weakling—the American puppet—Diaz.

If Franklin was justified in predicting that the American colonists would never lay down their arms so long as they had their woods and their liberty, what American nowadays may justly find fault with Sandino and Sandino's men because these Nicaraguan liberals dare to better the instruction provided for them by American revolutionists of 1776?

We are seeking this man out to kill him for fighting for principles that we fought for in 1776. Mr. President, is it going to be the mission of this Government to go into foreign lands and try to crush out the last remnant of liberty-loving patriots? Are we going out to police the nations of the earth? Have we entered upon a road of imperialism? Have we become the collection agents of the bondholders in Wall Street? Are our boys to be sacrificed in battle in Nicaragua for the investments of those men who have gone in there and made them recklessly, amid the hazardous conditions where insurrections and revolutions are springing up all around? Some day the American people are going to send to this body Senators who will take the American viewpoint and seek to preserve this Government and hold it true to its constitutional purpose and limitations.

The day is coming when the people of the Nation, all of them who feel that way, are going to get together behind some candidate for President who is going to put America first and keep uppermost in his mind and heart the welfare of the American citizen and the preservation of American ideals and institutions.

We have a farcical situation suggested in the Washington Post of this morning.

President "Coolidge is going to lead a movement to suppress war," and yet he is carrying on war without authority in a foreign land to-day. A thousand more troops have sailed to Nicaragua in the last two or three days. What do the newspapers tell us? Listen to this headline:

Buzzard wrecks airplane. Two marine aviators killed in—

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken for five minutes on the pending bill.)

Mr. HEFLIN. Mr. President, I want the Senate and the people who sit in the galleries, who come from the sovereign States of this Union, to know what is going on in Nicaragua—just what is happening to our boys. The statement in this newspaper is:

Buzzard wrecks airplane. Two marine aviators killed.

They left Washington only three weeks ago, but they are dead now. What were they doing? They were not guarding property; they were miles away seeking Sandino in his mountain fastnesses, where he was hiding away from American guns in the hands of American marines. While these aviators were flying low and spying out the woodland hiding places a buzzard flies up and gets tangled in the machine and two brave American boys die in Nicaragua—killed by a buzzard.

O my God, what are we coming to? Have we reached the time when the purse of the millionaire has a stronger hold on this Congress than have the love of liberty, the lives of our boys, and the protection of this Government in its constitutional

rights and prerogatives? Are we guarding Congress against these innovations and usurpations by the President of the United States? What are we coming to? A thousand more troops have just sailed, gone to Nicaragua to conduct this awful war in a foreign land. To protect property? No; to hold an election in a foreign land. Rome died on that trail; her armies were scattered around the world fighting battles in foreign countries, and finally, when they returned, the government had died at heart; there was nothing left to fight for. As the Senator from Idaho [Mr. BORAH] said, at the Republican National Convention in 1920, they sold the emperors on the auction block for a million and a half dollars.

Senators, we can not have and hold the love of patriotic, liberty-loving people when they see the machinery of their Government being used by the money bonds of the Nation for such a purpose; we can not hold their respect and their affectionate regard when they see their Government commanding its sons to go out and fight and die in such an inexcusable undertaking as this.

I want the Senate to vote on my resolution; I want a roll call on it. Let the people back home know who here want to continue on this dangerous road of imperialism. Former President Woodrow Wilson did not do it. He would not send the troops into Tampico and Vera Cruz, Mexico, without asking the consent of Congress, and he did ask that consent; but Mr. Coolidge, through our marines, is still in Nicaragua, and he has never yet asked Congress to authorize their employment there, and Congress by official action has never requested him to send them there. I put the responsibility where it belongs—on the Republican side in both branches of Congress. I propose to keep on discussing this question until the people, through their Representatives, shall answer in this body, and perhaps in the other, as to whether or not the President may declare and conduct war without the consent of the Congress of the United States. I protest against the murder of American boys in such an indefensible, unholy, and cruel war.

Mr. EDGE. Mr. President, in view of the various statements made by the Senator from Alabama [Mr. HEFLIN] criticizing the foreign policy of the Government, particularly as it relates to the present Nicaraguan situation, I desire to say that I agree with him that the subject should be debated. I have intended discussing the question for some time, but have preferred to follow a Senator who had a different viewpoint from my own. However, in view of the statements of the Senator from Alabama, I wish to give notice to the Senate—because it is obviously impossible satisfactorily to discuss an important matter like this under the five-minute rule and is rather unfair to those who desire to go through the calendar—that immediately after the morning business shall be disposed of to-morrow I desire, and I hope I may be recognized, to speak upon this subject.

Mr. HEFLIN. Mr. President, I do not wish to be unfair to any Senator who has a particular interest in a bill on the calendar, but I am trying to be fair to the boys who are losing their lives in Nicaragua. I am more for those boys, and I care more for them as a Senator than I do for any of these measures, because I have the authority to vote for war or to vote against it, and I have the authority to summon those boys to the battle field. I want them to know that I am not going to do it unless fundamental principles of government are involved, and the cause is just. Then only will I call them to battle. I wish to be entirely fair to them and to the homes from which they come. I want also to be fair to the Constitution and fair to my sense of duty as a Senator. I owe something to all these. That is why I am protesting against this unholy program in Nicaragua.

Mr. EDGE subsequently said: Mr. President, earlier in the day I made an announcement that I would desire to speak on certain phases of foreign relations to-morrow at the conclusion of the morning business. In deference to the Senator from South Dakota [Mr. NORRICK], who is intensely interested in the unfinished business and the desire to take a recess in order to proceed with it in the morning hour to-morrow, I wish now to make the further announcement that I shall defer until a later date my observations on the subject referred to.

#### CHARGES OF COMMON CARRIERS

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

Mr. GLASS. I ask that the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.



## FORMER CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS

The bill (S. 2828) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," was announced as next in order. The bill had been reported from the Committee on Public Lands and Surveys with an amendment.

Mr. NORBECK. Mr. President, a bill exactly similar to the Senate bill passed the House on yesterday. I understand the House bill is now on the desk of the Presiding Officer, and I ask that it may be laid before the Senate with a view to substituting it for the Senate bill.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 9860) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," which was read twice by its title.

Mr. NORBECK. I move that House bill 9860 be substituted for Senate bill 2828, and that the Senate proceed to the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 9860.

Mr. NORBECK. I move to amend the bill by inserting the amendments which I send to the desk, which will make it conform to the Senate bill as reported by the committee.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 2, line 8, after the word "payment," to strike out "on one-third" and insert "of one-fourth"; in line 11, before the word "equal," to strike out "two" and insert "three"; in line 12, after the figures "1929," to strike out "and"; and in line 13, after the figures "1930," to insert a comma and "and December 1, 1931."

The bill as proposed to be amended reads as follows:

*Be it enacted, etc.,* That the act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," approved April 25, 1922, be amended so as to read as follows:

"That any homestead entryman or purchaser of Government lands within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension of time for payment of one-fourth the amount, including principal and interest, due and unpaid on his entry or purchase until the 1st day of December, 1928; the remainder to be paid in three equal annual installments falling due on December 1, 1929, December 1, 1930, and December 1, 1931; all such amounts to bear interest at the rate of 5 per cent per annum until the payment dates: *Provided*, That upon failure to make complete payment of any installment, the entry shall be canceled and the money paid forfeited."

Mr. KING. I should like to ask the Senator if the amendments proposed make the bill conform to the recommendation of the Secretary of the Interior.

Mr. NORBECK. They do.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2828 will be indefinitely postponed.

## INDEBTEDNESS OF THE SERB, CROAT, AND SLOVENE KINGDOM

The bill (H. R. 367) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes was announced as next in order.

Mr. DILL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

## UNION TRUST CO., PROVIDENCE, R. I., AND NATIONAL BANK OF COMMERCE, PHILADELPHIA, PA.

The Senate, as in Committee of the Whole, considered the bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa., which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized to execute, in the name of the United States, and deliver to (1) the Union Trust Co., Providence, R. I., upon receipt from such trust company of \$1,806, and (2) the National Bank of Commerce, Philadelphia, Pa., upon receipt from such bank of \$16,676.71, an agreement of indemnity binding the United States to make reimbursement to such banking institutions upon condition that such banking institutions are required to make payment to bona fide holders upon presentation of check No. 358, in the amount of \$1,806, drawn by Evarista Larrabee, 50 Seymour Street, Providence, R. I., on the Union Trust Co., Providence, R. I., certified by such trust company, payee believed to be Bureau of Supplies and Accounts, Navy Department, dated between June 1 and August 29, 1922; and check No. 1000, in the amount of \$16,676.71, drawn by Levin, Deluge & Kerschbaum, 35 South Third Street, Philadelphia, Pa., on the National Bank of Commerce, Philadelphia, Pa., certified by such bank, name of payee not ascertainable, date believed to be in calendar year 1921 or 1922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## REFUNDING OF LEGACY TAXES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes erroneously collected, which was read, as follows:

*Be it enacted, etc.,* That claims for the refunding of any legacy taxes erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved June 13, 1898 (37 Stat. L. 240), may be presented to the Commissioner of Internal Revenue not later than six months after the passage of this act; and the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, such claims as may have been presented heretofore and not allowed and such claims as may be presented within the period above named, where and when and only when it be found and determined that such taxes were collected upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decisions rendered in the case of United States against Jones, administrator, and in the case of McCoach, collector, against Pratt, both reported in the 236 United States Reports: *Provided*, That no interest shall be allowed on any of these claims.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

Mr. KING. Mr. President, I notice that the Senator from Massachusetts [Mr. WALSH] reported the bill. He does not appear to be in the Chamber. I presume, of course, the bill was before the Committee on Finance.

Mr. CURTIS. The bill was before the Committee on Finance and was considered and reported by that committee.

Mr. KING. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHANGE OF NAME OF ANCON HOSPITAL, PANAMA CANAL ZONE

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital, in the Panama Canal Zone, to the Gorgas Hospital, which was read, as follows:

*Resolved, etc.,* That in recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Maj. Gen. William Crawford Gorgas, from and after the passage of this act, the Government hospital within the Canal Zone, near the city of Panama, heretofore known as the Ancon Hospital, shall hereafter be known and designated on the public records as the Gorgas Hospital.

SEC. 2. That the change in the name of the said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise, shall be held to refer to the said hospital under and by the name of the Gorgas Hospital.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ISSUANCE OF BONDS BY ANCHORAGE, ALASKA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 340) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construc-

tion and equipment of an additional school building, and for other purposes, which had been reported from the Committee on Territories and Insular Possessions with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "issue," to insert "its," so as to make the section read:

That the incorporated town of Anchorage, Alaska, is hereby authorized and empowered to issue its bonds in any sum not to exceed \$100,000 for the purpose of constructing and equipping an additional school building in said town: *Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 18, after the word "that," to strike out "a majority of" and insert "not less than," so as to make the section read:

SEC. 3. That the registration of such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that not less than 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 2, after the word "each," to strike out "the principal to be due in 10 years"; and in line 7, after the word "date," to insert "of issue," so as to make the section read:

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in such denominations as the common council of said town may designate, but not exceeding \$1,000 each from date thereof: *Provided, however,* That the common council of the said town of Anchorage may reserve the right to pay off such bonds in their numerical order at the rate of \$10,000 or less thereof per annum from and after the expiration of four years from their date of issue. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, town of Anchorage, Alaska, or at such other place as may be designated by the common council of the town of Anchorage, the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Anchorage and also bear the seal of said town.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ISSUANCE OF BONDS BY SEWARD, ALASKA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding \$50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska, which had been reported from the Committee on Territories and Insular Possessions with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "issue," to insert the word "its," so as to make the section read:

That the incorporated town of Seward, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding \$50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska: *Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 21, after the word "that," to strike out "a majority of" and insert "not less than," so as to make the section read:

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall

be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that not less than 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 1, after the words "common council of," to insert "the town of"; in line 5, after the word "each," to strike out "the principal to be due in 20 years from date thereof"; in line 10, after the word "date," to insert "of issue"; in line 12, after the word "treasurer," to insert "of the town of Seward," so as to make the section read:

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of the town of Seward, not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding \$1,000 each: *Provided, however,* That the common council of the said town of Seward may reserve the right to pay off such bonds in their numerical order at the rate of \$4,000 thereof per annum from and after the expiration of five years from their date of issue. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer of the town of Seward, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Seward, the place of payment to be mentioned in the bonds: *Provided further,* That each and every bond shall have the written signature of the mayor and clerk of said town of Seward and also bear the seal of said town.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### BOUNDARIES OF CARSON, MANZANO, AND SANTA FE NATIONAL FORESTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2830) authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out all after the enacting clause and to insert:

That the provisions of the act of Congress approved March 20, 1922 (42 Stat. 465), section 485, chapter 2, title 16, Code of Laws of the United States, be, and the same are hereby extended to and made applicable to any lands within former Spanish or Mexican land grants which lie partly within or contiguous to the boundaries of the Carson, Manzano, or Santa Fe National Forests, in the State of New Mexico. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest within or near whose exterior boundaries they are located.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ENFORCEMENT OF NARCOTIC DRUGS ACTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3311) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs, which was read, as follows:

*Be it enacted, etc.,* That the Commissioner of Prohibition, with the approval of the Secretary of the Treasury, is authorized to direct the advance of funds by special disbursing agents in connection with the enforcement of the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act."

Such advances may be made, notwithstanding the provisions of section 3648 of the Revised Statutes of the United States, from the appropriations available for the enforcement of such acts and acts amendatory thereof or supplementary thereto.



The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FORESTS OF COLVILLE INDIAN RESERVATION

The bill (S. 3354) for the preservation and administration of the forests of the Colville Indian Reservation was announced as next in order.

Mr. DILL. Mr. President, I ask unanimous consent that this bill be recommitted to the Committee on Indian Affairs. It is a bill that was introduced by the chairman of the committee at the request of the Indian Department. I knew nothing of it until I saw it on the calendar. I have talked with the chairman of the committee, and he has no objection to the bill being recommitted to his committee. It affects an Indian reservation concerning which there has been legislation for years, and I want the committee to know all of the facts, with which I am quite familiar, before this bill is taken up by the Senate.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Indian Affairs.

#### PUYALLUP INDIAN CEMETERY, TACOMA, WASH.

The bill (H. R. 173) to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla., was announced as next in order.

Mr. KING. I should like to inquire whether that is reimbursable out of tribal funds?

The PRESIDENT pro tempore. It is only an authorization.

Mr. KING. It is not an appropriation?

Mr. JONES. What bill is that?

Mr. KING. It is a bill to authorize the construction of a dormitory at an Indian school in Oklahoma. It seems to be an authorization. I am anxious to know whether it is to be paid by the Government finally or out of Indian funds.

Mr. CURTIS. I suggest that the bill go over until the Senator from Oklahoma [Mr. THOMAS] is here.

The PRESIDENT pro tempore. The bill will be passed over.

#### INDIANS ON SHOSHONE OR WIND RIVER RESERVATION, WYO.

The bill (H. R. 356) to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CLAIMS OF NORTHWESTERN BANDS OF SHOSHONE INDIANS

The bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims which the northwestern bands of Shoshone Indians may have against the United States arising under or growing out of the treaty of July 2, 1863 (18 Stat. 685—2 Kappler, 848); treaty of July 30, 1863 (13 Stat. 863—2 Kappler, 850); act of Congress approved December 15, 1874 (18 Stat. 291), and any subsequent treaty, act of Congress, or Executive order, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. That any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act; and such suit shall make the northwestern bands of Shoshone Indians party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claims under contract with the northwestern bands of Shoshone Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys for said Indians to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said Indians.

SEC. 3. That in said suit the Court of Claims shall also hear, examine, consider, and adjudicate all claims which the United States may have

against the said northwestern bands of Shoshone Indians; but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as a set-off in such suit; and any such payment, if made, shall be confined to payments made under the treaties or acts of Congress hereinbefore set forth.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

SEC. 5. The Court of Claims shall have full authority by proper process and orders to bring in and make parties to such suit any and all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice to be designated by him is hereby directed to appear and defend the interests of the United States in such case.

SEC. 7. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorney or attorneys employed by said northwestern bands of Shoshone Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said bands.

SEC. 8. The balance of the proceeds of all amounts, if any, recovered for said northwestern bands of Shoshone Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM E. THACKREY

The bill (S. 2306) for the relief of William E. Thackrey was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That \$1,688 be appropriated for repayment to William E. Thackrey of moneys deposited by him in the Treasury of the United States to satisfy disallowances to his accounts as superintendent and special disbursing agent of the Indian school at Mohave City, Ariz., because of additional compensation paid, in violation of section 1765, Revised Statutes, to Indian policemen for the collection of school pupils: *Provided*, That of this sum \$1,148 shall be repaid from appropriations made for Indian school transportation for the fiscal years 1926 and 1927, and \$540 from similar appropriations for the fiscal years 1924 and 1925, said latter sum being hereby reappropriated for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ROSEBUD INDIANS

The bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That with the consent of the tribal council the Secretary of the Interior is hereby authorized to cancel the unpaid balance of \$12,204.46 due on reimbursable agreement No. 281, signed by 17 Rosebud Indians for cattle purchased from tribal funds appropriated by the act of June 30, 1919 (41 Stat. L. 26).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8543) to provide for the construction of a school building at the Fort Bidwell Indian School, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS IN NEW MEXICO

The bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds is—

sued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The amendments were, on page 2, line 10, after the words "any of the," to strike out "five" and insert "four"; and on page 3, line 3, after the word "as," to strike out "may hereafter be provided by legislative act of the State of New Mexico" and insert "are provided in the said act of June 20, 1910," so as to make the bill read:

*Be it enacted, etc.,* That there is hereby granted to the State of New Mexico 400,000 acres of the surveyed nonmineral unappropriated and unreserved public lands of the United States within said State, in trust, for the reimbursement of Grant, Luna, and Hidalgo Counties for interest paid by said counties on the bonds of Grant County, and for the reimbursement of Santa Fe County for interest paid by said county on the bonds of Santa Fe County, all of which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897 (29 Stat. 487); and also for the payment of the principal of the bonds issued by the town of Silver City and likewise validated by said act of January 16, 1897, and to reimburse said town of Silver City for interest paid by said town on said bonds: *Provided*, That if there shall remain any of the 400,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or profits therefrom, after the payment of said items and debt, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State.

SEC. 2. That the said lands shall be selected in the same manner as provided for the selection of lands granted to the State of New Mexico by an act of the Congress of the United States approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and such lands shall be leased and sold in such manner and under such limitations and restrictions as are provided in the said act of June 20, 1910.

SEC. 3. Said State of New Mexico through its State board of finance shall determine the interest paid by said counties on said indebtedness, and the manner of liquidating the same, and likewise the amount of the principal due on the bonds issued by the town of Silver City, and the interest paid by said town and the manner of liquidating the same.

The amendments were agreed to.

Mr. SMOOT. Mr. President, is there a favorable report from the department on this bill?

Mr. BRATTON. The department itself did not report either way. It stated the facts surrounding the legislation, and simply concluded with the statement that the Bureau of the Budget had advised that it was in conflict with the President's program of economy.

Mr. SMOOT. I ask that the bill go over to-day.

Mr. BRATTON. Will the Senator withhold his objection until I explain the situation?

Mr. SMOOT. Yes; the Senator may explain the bill.

Mr. BRATTON. This bill was considered by the Committee on Public Lands and Surveys, and was reported unanimously after thorough consideration. It is to reimburse three counties and the town for moneys paid out on bonds similar to bonds arising in the State of Arizona that were declared to be illegal by the Supreme Court of the United States. Congress granted land to reimburse the holders of the outstanding bonds, but overlooked the sum that had been paid by the counties and the town. This bill is simply to reimburse those counties and the town, with a provision that the balance of the grant, if any, after they have been reimbursed, shall be covered into the common-school fund of the State.

Mr. SMOOT. Let the bill go over to-day.

The PRESIDENT pro tempore. The bill will be passed over.

#### LASSEN VOLCANIC NATIONAL PARK, CALIF.

The bill (H. R. 8311) to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ABANDONED MILITARY RESERVATIONS IN ALASKA

The bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FIVE CIVILIZED TRIBES

The bill (S. 3128) to amend section 3 of the act approved April 12, 1926 (44 Stat. L. 239-240), with reference to suits involving Indian land titles among the Five Civilized Tribes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That section 3 of the act of April 12, 1926 (44 Stat. L. 239-240), entitled "An act to amend section 9 of the act of May 27, 1908 (35 Stat. L. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 3. Any one or more of the parties to a suit in the United States courts in the State of Oklahoma or in the State courts of Oklahoma to which a restricted member of the Five Civilized Tribes in Oklahoma, or the restricted heirs or grantees of such Indians are parties, as plaintiff, defendant, or intervenor, and claiming or entitled to claim title to or an interest in lands allotted to a citizen of the Five Civilized Tribes or the proceeds, issues, rent, and profits derived from the same, may serve written notice of the pendency of such suit upon the Superintendent for the Five Civilized Tribes, and the United States may appear in said cause within 40 days thereafter, or within such extended time as the trial court in its discretion may permit, and after such appearance or the expiration of said 40 days, or any extension thereof, the proceedings and judgment in said cause shall bind the United States and the parties thereto to the same extent as though no Indian land or question were involved. Duplicate original of the notice shall be filed with the clerk of the court in which the action is pending and the notice shall be served on the Superintendent for the Five Civilized Tribes, or, in case of his absence from his principal office, upon one of his assistants, and shall be served within 10 days after the general appearance in the case of the party who causes the notice to be issued. The notice shall be accompanied by a certified copy of all pleadings on file in the suit at the time of the filing of the duplicate original notice with the clerk and shall be signed by the party to the action or his or her counsel of record and shall be served by the United States marshal and due return of service made thereon, showing date of receipt and service of notice. If notice is not served within the time herein specified, or if return of service thereof be not made within the time allowed by law for the return of service of summons, alias notices may be given until service and return of notice is had, and in no event shall the United States be bound unless written notice is had as herein specified: *Provided*, That within 40 days after the service of such notice on the Superintendent for the Five Civilized Tribes, or within such extended time as the trial court in its discretion may permit, the United States may be, and hereby is, given the right to remove any such suit pending in a State court to the United States district court by filing in such suit in the State court a petition for the removal of such suit into the said United States district court, to be held in the district where such suit is pending, together with the certified copy of the pleadings in such suit served on the Superintendent for the Five Civilized Tribes as hereinbefore provided. It shall then be the duty of the State court to accept such petition and proceed no further in said suit. The said copy shall be entered in the said district court of the United States within 20 days after the filing of the petition for removal, and the defendants and intervenors in said suit shall within 20 days thereafter plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in said district court; and such court is hereby given jurisdiction to hear and determine said suit, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the suit had been originally brought in said district court."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. KING. Mr. President, may I inquire of the chairman of the committee whether he regards 3 per cent as a royalty adequate? It seems to me rather insignificant, if I understand the bill, that the Indians should receive but 3 per cent royalty upon the minerals produced.

Mr. SMOOT. This bill was not referred to the department.

Mr. FRAZIER. It is a House bill that passed there with one amendment. I did not understand the Senator's question.

Mr. KING. I inquire of the Senator whether he regards this bill as fair to the Indians. It provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to collect a reasonable fee, not exceeding 3 per cent, from Indian lessors for moneys collected as royalties—



And so forth. I am not quite clear as to the purpose of the bill.

Mr. FRAZIER. It was considered fair, and the department recommended it, and no objection at all was made to it.

Mr. SMOOT. I suppose this is the charge made for the collection of the royalties.

Mr. KING. Mr. President, I have found that so many injustices have been done to the Indians that while this may be a very just bill I shall ask that it be temporarily passed over.

The PRESIDENT pro tempore. The bill will be passed over.

A. S. GUFFEY

The bill (H. R. 4203) for the relief of A. S. Guffey was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1899) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ARTHUR C. LUEDER

The bill (S. 2706) for the relief of Arthur C. Lueder was considered as in Committee of the Whole.

Mr. DENEEN. Mr. President, the House passed a similar bill that came to us yesterday. It is Order of Business No. 582, H. R. 8499. I move that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8499) for the relief of Arthur C. Lueder.

Mr. KING. Mr. President, will the Senator explain the cause of this misfortune? It does seem to me, on a hasty glance, that there may have been some negligence on the part of the postmaster.

Mr. DENEEN. No; the explanation is made on page 1 of the report.

Counterfeit war-savings stamps to the amount of \$50,210 were passed upon the postmaster. They collected back all but \$19,468.50. A great many of these counterfeit stamps were passed on the Treasury Department itself. That is the first item.

The second item is on page 2, a \$100 money order. A duplicate was out.

The third item was \$52.50, arising from the cashing of a check of the Veterans' Bureau in favor of Nannie Thornton Worthy.

The fourth item was embezzlement by a subordinate in a substation, amounting to \$853.92.

There was no negligence on the part of the postmaster. It was unavoidable.

The PRESIDENT pro tempore. Does the Senator from Illinois wish to propose amendments to the House bill?

Mr. DENEEN. I do.

The PRESIDENT pro tempore. The amendments will be stated.

The CHIEF CLERK. The Senator from Illinois proposes the following amendment:

On page 2, line 1, strike out the initials "J. H." and insert "Mrs. J. J."

The amendment was agreed to.

The CHIEF CLERK. On the same line it is proposed to strike out the words "and paid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2706 will be indefinitely postponed.

R. BLUESTEIN

The bill (S. 1428) for the relief of R. Bluestein was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "\$1,000" and insert "\$978.60," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$978.60 to Abe Tenenbaum, attorney for R. Bluestein, Savannah, Ga., which sum represents the loss sustained by the said R. Bluestein on the bail bond of Frank Holmes, who was afterwards captured and returned to the United States officers by the said R. Bluestein; record of said estreatment of bond is shown in report of clerk of the United States court, L. M. Erwin, at Macon, Ga., January 20, 1925.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES J. WELSH AND OTHERS

The bill (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James J. Welsh, \$1,168.62; Edward C. F. Webb, \$5,480; Francis A. Meyer, \$1,375.83; Mary S. Bennett, \$1,366.67; William McMullin, jr., \$361.75; Margaret McMullin, \$334; R. B. Carpenter, \$108.33; McCoy Yearsley, \$746.67; Edward Yearsley, \$746.67; George H. Bennett, jr., \$388.55; Stewart L. Beck, \$3,142.25; William P. McConnell, \$7,300; Elizabeth J. Morrow, \$827.50; William B. Jester, \$698.50; Josephine A. Haggan, \$1,327.09; James H. S. Gam, \$605.44; Herbert Nicoll, \$200; Shallcross Bros., \$4,060; E. C. Buckson, \$100; Wilbert Rawley, \$7,382.70; R. Rickards, jr., Dredging Co., \$2,200, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co. resulting from the flooding of the lands of said claimants during the years 1924, 1925, and 1926, owing to the settlement and breaching of a dike erected by the Federal Government near the southeasterly entrance of the Chesapeake & Delaware Canal, in New Castle County, in the State of Delaware.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA A. HAUCH

The bill (S. 1368) to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to Martha A. Hauch, on account of tubercular disease contracted in the service as student nurse at the Army School of Nursing, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TULE RIVER INDIAN RESERVATION, CALIF.

The bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 2, to strike out "all of sections 7, 16, 17, 18, 19, 20, 21, and 27, all in township 21 south, range 31 east of the Mount Diablo meridian," and to insert "southwest quarter southwest quarter section 7; all sections 16 and 17; east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract No. 48 in the southeast quarter section 28, all in town-

ship 21 south, range 31 east, of the Mount Diablo meridian in California," so as to make the bill read:

*Be it enacted, etc.,* That the boundaries of the Tule River Indian Reservation, Calif., created by Executive order dated January 9, 1873, are hereby changed so as to exclude from said reservation the following tracts of land, which were shown by the plat of survey approved on the 2d day of February, 1884, to be a part of the public domain, and were duly patented or granted by the United States as such, but were shown by the plat of resurvey approved on the 12th day of March, 1927, to be within the outer boundaries of the said Indian reservation, to wit: Southwest quarter southwest quarter section 7; all sections 16 and 17; east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract No. 48 in the southeast quarter section 28, all in township 21 south, range 31 east, of the Mount Diablo meridian in California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PURCHASE OF LAND IN NEVADA FOR INDIAN COLONY

The bill (S. 2084) for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 8, after the word "range," to insert "38"; and on page 2, line 6, after the word "cabins," to insert "building roads in colony," so as to make the bill read:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of \$500, for the purchase of land in the vicinity of Winnemucca, Nev., described as the north half of the northeast quarter of the southwest quarter of section 29, township 36 north, range 38 east, Mount Diablo meridian, containing 20 acres, more or less, to be used as an Indian colony.

SEC. 2. That there is also authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of \$2,000, for moving the cabins of Indians residing in the vicinity of Winnemucca, Nev., to the above-described location, for making necessary repairs to said cabins, building roads in colony, and for erecting such new cabins as, in the opinion of the United States Office of Indian Affairs, may be necessary.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 2319) for the relief of John W. Stockett was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. Mr. CARAWAY. Mr. President, just a moment, please. Who was it that objected?

Mr. SMOOT. I objected.

Mr. CARAWAY. Would the Senator object if he had time to examine the bill?

Mr. SMOOT. That is what I want to do.

Mr. CARAWAY. May I explain it to the Senator?

Mr. SMOOT. I would rather have it go over temporarily.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### FRANK DIXON

The bill (S. 1848) for the relief of Frank Dixon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 12, after the word "duty," to insert: "Provided, That the said Frank Dixon establishes to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, the said Floyd Dixon, at the time of the latter's death," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Dixon, of Dunkirk, Ind.,

dependent father of Floyd Dixon, late electrician's mate, third class, United States Navy, the sum of \$360, as six months' gratuity pay, which amount would have been paid by act of Congress approved June 4, 1920, but for the omission, through ignorance or error, of his son to designate a proper beneficiary before he was killed in the performance of service duty: *Provided*, That the said Frank Dixon establishes to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, the said Floyd Dixon, at the time of the latter's death.

The amendment was agreed to.

Mr. JONES. Mr. President, I should like a brief explanation of this bill.

Mr. HALE. This is simply a case of a death gratuity going to this man's father, provided dependency is established. It is recommended by the department. No qualified dependent was named.

Mr. SMOOT. Is that usual?

Mr. HALE. Yes.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WYMAN HENRY BECKSTEAD

The bill (S. 2008) for the relief of the parents of Wyman Henry Beckstead was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "death," to insert: "Provided, That said patents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death," so as to make the bill read:

*Be it enacted, etc.,* That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to the parents of Wyman Henry Beckstead, late radio man, second class, United States Navy, an amount equal to six months' pay, at the rate received by said Wyman Henry Beckstead at the time of his death: *Provided*, That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death.

Mr. JONES. Mr. President, I should like a brief explanation of that bill.

Mr. HALE. That is the same as the other one.

Mr. JONES. The same sort of bill?

Mr. KING. I should like to ask the Senator, if death occurs to any person in the Army or the Navy or the Marine Corps, is it the rule to pay the dependents?

Mr. HALE. Under the law the dependents are allowed a death gratuity of one-half the annual pay of the man who has died in the line of duty.

Mr. KING. Would that be true of every person in the Army?

Mr. HALE. I am talking about the Navy.

Mr. KING. Would it be true of every person in the Navy—a captain, for instance?

Mr. HALE. Anyone who dies from some accident that occurs or in the line of duty.

Mr. KING. If a captain were to die in the line of duty, or a lieutenant or a private, what would be the obligation under the practice to the family?

Mr. HALE. I think they get the same thing.

Mr. FLETCHER. This is six months' gratuity.

Mr. HALE. Six months' gratuity—six months' pay.

Mr. KING. Let me inquire, then: Suppose some captain or major or general in the Army now, while in the discharge of some duty, should meet with an accident?

Mr. HALE. I think he would get the same amount.

Mr. KING. Or suppose he should become ill. Would payment be made?

Mr. HALE. This is a case of death.

Mr. KING. But, I say, if he should become ill and die, would the Government be responsible?

Mr. HALE. If the illness results from something that occurred in the line of duty.

Mr. KING. I think the Senator must be in error.

Mr. BLACK. I suggest that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### VETERANS' HOSPITAL NO. 78, NORTH LITTLE ROCK, ARK.

The bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed, upon the con-



veyance to the United States of certain property hereinafter described, to convey to the Big Rock Stone & Material Co., a corporation existing under the laws of the State of Arkansas, part of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., described as follows:

"Beginning at a point 529.2 feet east of the northwest corner of section 28, township 2 north, range 12 west, which point is the northeast corner of the 18.09-acre tract of land purchased from the United States by the Big Rock Stone & Construction Co. under authority of an act of Congress approved March 2, 1923; thence south along the east boundary of said 18.09-acre tract, which is also the east boundary of the Big Rock Stone & Material Co.'s property, a distance of 1,927.8 feet; thence south 33 degrees 34 minutes east a distance of 457.7 feet; thence north 6 degrees 10 minutes west a distance of 2,320.8 feet to the point of beginning, comprising a total area of 5.2 acres, more or less."

SEC. 2. The Big Rock Stone & Material Co. shall convey to the United States in exchange for the above-described land the following:

"A 5-acre tract of land in section 20; also an adjoining 1.82-acre tract in section 21, all in township 2 north, range 12 west, and more specifically bounded as follows: Beginning at a point 529.2 feet east of the northwest corner of section 28, township 2 north, range 12 west, which point of beginning is the northeast corner of the 18.09-acre tract of land purchased from the United States by the Big Rock Stone & Material Co. under authority of an act of Congress approved March 2, 1923; thence north 60 degrees 27 minutes west a distance of 608.2 feet, to a point 300 feet north of aforesaid northwest corner of section 28, township 2 north, range 12 west; thence approximately 810 feet west to the east bank of the Arkansas River; thence in a southerly direction along the east bank of the Arkansas River to a point approximately 670 feet due west of the aforesaid northwest corner of section 28, township 2 north, range 12 west; thence due east through the aforesaid section corner, a distance of 1,199.2 feet to the point of beginning, comprising a total area of 6.82 acres more or less."

SEC. 3. Upon condition that the Big Rock Stone & Material Co. will conduct no blasting operations nearer United States Veterans' Hospital No. 78 than the extreme southern point of the 5.6-acre tract to be conveyed under the authority of this act from the United States to the Big Rock Stone & Material Co., and upon the further condition that the United States shall have the privilege of using the Arkansas River front of the property heretofore conveyed by the United States to the Big Rock Stone & Construction Co., and of the property conveyed under the authority of this act, for the construction of any revetments, piers, wharves, or similar structures along the banks of the Arkansas River abutting on the land and the free passage over the land to such revetments, piers, or wharves, which may be deemed necessary for the use of the said hospital reservation by the United States Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARAWAY subsequently said: I ask unanimous consent for the present consideration of the bill (H. R. 10027) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, which the Senate received to-day from the House of Representatives.

There being no objection, the bill was read twice by its title, and the Senate proceeded to consider it as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CARAWAY. I ask unanimous consent that the votes by which the bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, was ordered to a third reading and passed may be reconsidered and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARAWAY. Mr. President, I ask unanimous consent that the report on this bill may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 542, Seventieth Congress, first session]

TRANSFER OF LAND AT VETERANS' HOSPITAL NO. 78, NORTH LITTLE ROCK, ARK.

Mr. SMOOT, from the Committee on Finance, submitted the following report, to accompany S. 2905:

The Committee on Finance, to whom was referred the bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of

the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, having had the same under consideration, report it back to the Senate without amendment and recommend that the bill do pass.

Following is a letter from the Director of the United States Veterans' Bureau containing the facts and history of this case. The present bill (S. 2905) is a substitute proposed by the Director of the Veterans' Bureau, to which he refers in the last paragraph of his letter, for a former bill (S. 698) to which his report is directed:

UNITED STATES VETERANS' BUREAU,  
Washington, January 4, 1928.

HON. REED SMOOT,  
Chairman Committee on Finance,  
United States Senate.

MY DEAR SENATOR SMOOT: I have the honor to refer to your letter of December 12, 1927, transmitting copy of S. 698, a bill to convey to the Big Rock Stone Co. a portion of the hospital reservation of the United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, requesting a report as to the merits thereof.

The bill proposes to authorize the director of this bureau, upon payment by the Big Rock Stone Co. of such sum as he may determine to be reasonable—but not less than \$150 per acre—to convey to the Big Rock Stone Co. a part of the hospital reservation at the United States Veterans' Hospital No. 78, North Little Rock, Ark., as described in detail therein. In this connection the attention of the committee is invited to the attached copy of letter, dated February 10, 1927, addressed to the chairman Committee on World War Veterans' Legislation, House of Representatives, relative to H. R. 11205, the purpose of which was identical with that of S. 698. It will be noted that I advised the committee that I would agree to the transfer of the 12.24 acres described in the bill to the Big Rock Stone Co., provided that company would agree to abandon its blasting operations on land now owned by it which is situated closer to the hospital buildings than the land which they are now anxious to acquire—the specific territory to be designated by the bureau—and provided further that the purchase price be based upon the amount of rock available for quarrying instead of by an arbitrary price of \$150 per acre, as contemplated by the bill. It is estimated that there could be quarried and sold on this land approximately 400,000 tons of rock per acre, a total of 5,000,000 tons for the 12.24-acre plot which the Big Rock Stone Co. wishes to acquire. A reasonable price for this rock was fixed at one-half cent per ton, or a price for the whole plot of \$25,000.

Subsequent to the advancement of this proposal by the bureau the Big Rock Stone Co. addressed a letter to me in which they offered to transfer to the bureau two tracts of land containing together approximately 6.82 acres, contiguous to the hospital reservation, in exchange for a 5.5-acre strip of land, specifically described in their letter and within the original 12.24 acres they desired to purchase, and with this exchange enter into an agreement to discontinue all blasting operations on property now owned by them situated considerably nearer to the hospital buildings than the land to be acquired by them from the Government.

There is inclosed photostat of a plat showing the present holdings of the United States and the Big Rock Stone Co., respectively, and the tracts which they propose to exchange. Subsequent to the receipt of this offer from the Big Rock Stone Co., I referred the matter to the Federal Board of Hospitalization for their consideration, and on March 7, 1927, that board recommended that the offer of the Big Rock Stone Co. be accepted, the agreement to discontinue further blasting operations on land nearer to the hospital and the removing of said operations to a point north of the most southerly point of the land to be conveyed to them, which is approximately 50 per cent farther away from the hospital than the territory now being quarried, being a consideration of sufficient value.

I therefore recommend to the committee the advisability of making this exchange of property rather than the outright sale of the land described in S. 698, inasmuch as I believe that this transfer would be much more advantageous to the Government than the mere sale of the 12.24 acres.

There is inclosed for the use of the committee draft of a bill, which, if enacted into law, would authorize the exchange described herein.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Director.

#### EMPLOYEES' COMPENSATION

The bill (S. 1297) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Alice E. Moore, formerly employed as a dietitian and temporary nurse in the medical department at large, War Department, at

General Hospital No. 6, Fort McPherson, Ga., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BATTLE OF THE BEAR'S PAW

The bill (S. 1796) for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That in commemoration of the Battle of the Bear's Paw, at which Gen. Nelson Miles captured Chief Joseph, an Indian, the northwest quarter of section 12, in township 30 north, of range 19 east, Montana meridian, in Montana, the site of such battle, be and is withdrawn from entry and is hereby set aside as and created a national monument, known and designated as Battle of the Bear's Paw; and citizens or any citizen of Montana may, in the discretion of the Secretary of the Interior, by his permission and under his direction, erect thereon a suitable monument, without cost to the United States Government, to be approved by the Secretary of the Interior, commemorative of such battle.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RELIEF OF THE CITY OF PHILADELPHIA

The bill (S. 3500) for the relief of the city of Philadelphia was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Philadelphia, Pa., the sum of \$535,716.22, out of any money in the Treasury not otherwise appropriated, in settlement in full of the claims of the said city against the United States for internal-revenue taxes collected under the act of June 30, 1864, and other acts, on dividends upon railroad stocks and interest upon railroad bonds owned by said city and for other internal-revenue taxes wrongfully collected from the said city.

Mr. KING. I ask for an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, a bill similar to this has passed the Senate twice before, once in the Sixty-eighth and once in the Sixty-ninth Congress. The amount of the claim is based on taxes collected from the city of Philadelphia on dividends on sales of gas supplied by the city of Philadelphia to itself.

The city put in a claim for about \$2,000,000, which included the taxes required to be paid on gas furnished to private consumers. The committee disallowed that in the Sixty-eighth Congress and reduced the amount to the figures stated in this bill, \$535,000.

The claim is based on two items, as I have said. One is the tax on dividends declared by the Philadelphia Gas Works on stock belonging to the city. The other is the tax on sales of gas made by the city to itself. Those taxes were imposed more than 50 years ago. This amount does not include any interest. The case was tried out by the Court of Claims, and this is the amount adjudicated by that court.

Mr. SMOOT. Will not the Senator state why the House has not passed the bill? I know it passed the Senate twice before.

Mr. REED of Pennsylvania. I can not understand, unless it has not been sufficiently pushed in the House. I am hoping that by passing it fairly early in this Congress we can get action in the House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BRITISH STEAMSHIP "LARCHGROVE"

The bill (S. 3506) for the relief of the owners of the British steamship *Larchgrove* was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the claim of the owners of the British steamship *Larchgrove* against the United States for damages and loss alleged to have been caused by a collision between the said steamship *Larchgrove* and the American steamship *Hawaiian* off Tarifa Point, Spain, on October 27, 1918, may be determined in a suit to be brought by the said owners against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases; and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages, without interest, sustained by reason of said collision, if any shall be found to be due either for or against the

United States, upon the same principles and measures of liability, and with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EAGLE TRANSPORT CO.

The bill (S. 3507) for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.) was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the claims of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.) against the United States for damages and loss alleged to have been sustained by them as a result of the collision between the British steamship *San Tirso* and the U. S. transport *Poconahontas*, which occurred in Gravesend Bay, N. Y., on or about December 14, 1917, may be determined in a suit to be brought by the said claimants against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages, without interest, sustained by reason of said collision, if any such be found to be due either for or against the United States, upon the same principles and measures of liability and with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ROADS, BRIDGES, AND TRAILS IN ALASKA

The bill (S. 2369) to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That it shall be the duty of the president of the Board of Road Commissioners for Alaska, subject to the approval of the Secretary of War, to prescribe such regulations governing the type of vehicle, weight of load, and speed of travel, as in his best judgment the public necessity may require for the protection of life and property, or properly to safeguard and protect roads, bridges, and related structures constructed or maintained, in whole or in part, from funds appropriated out of money in the Treasury of the United States. Such regulations shall be posted in conspicuous and appropriate places for the information of the public, and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and on conviction thereof, in any district court of the United States within whose territorial jurisdiction such offense will have been committed, shall be punished by a fine not exceeding \$500, or be imprisoned (in the case of a natural person) not exceeding six months, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REGISTERS AND RECEIVERS IN ALASKA

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. LA FOLLETTE. Mr. President, in the absence of the chairman of the Committee on Territories and Insular Possessions, I ask that the bill may go over without prejudice.

The PRESIDENT pro tempore. The bill will go over.

#### NATIONAL ORIGINS

The joint resolution (S. J. Res. 113) to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended, was announced as next in order.

Mr. HEFLIN. Let that go over.



Mr. JOHNSON. Mr. President, I ask the Senator from Alabama if he will not withhold his objection?

Mr. HEFLIN. I withhold the objection.

Mr. JOHNSON. It is imperative that we act without delay upon this measure, if we are to act at all. The proclamation of the President must be made by the 1st day of April, if it is to be made at all. It is a fact that it is uncontroverted that the computations that have been made upon the national-origins proposition are uncertain and inaccurate, and those computations have to be gone over again, and must again be checked. The experts who made them desire this year in which to accomplish the job. This simply postpones for one year the national-origins proposition. I trust the Senator from Alabama will not object.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. JOHNSON. Certainly.

Mr. REED of Pennsylvania. It is correct, is it not, that the joint resolution was reported out by a unanimous vote of the Committee on Immigration?

Mr. JOHNSON. It was reported out by a unanimous vote of the Committee on Immigration, and not only that, but the committee is divided upon the policy. It realized, however, the absolute necessity that this should be done, under the circumstances.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. KING. May I say to my friend from Alabama that I have heretofore opposed the national-origins provision, but I think this legislation is imperative, because if that is finally to become a law further information must be obtained, and the expert who testified before the committee insisted that additional information was required. This does not change the status; it does not permit any more immigrants to come into the United States. There is no danger in it to those who believe in restricted immigration, and I think the Senator ought to permit it to pass.

Mr. LA FOLLETTE. Mr. President, I hope the Senator from Alabama will withdraw his objection, in view of the fact that it is admitted on all hands that the figures upon which this information will be based are in need of revision. Personally, I am opposed to the national-origins clause, but that question is not involved in this situation, as I see it. It is admitted by those who have had charge of making up these figures that they are inaccurate, that they are in need of further revision, and certainly the Senator from Alabama would not want a proclamation to be issued upon figures which the very people who made them up admit are in need of further revision and checking before they are made final.

Mr. BLEASE. Mr. President, I hope the Senator will withdraw his objection. I do not think there is any question about my position on immigration. I think everybody pretty well understands that if I had my way every man who was not an American citizen, within the limits allowed by law, would be sent out of this country, and I would not allow any more to come in here for some time to come. That is my position on immigration. But I am a member of the committee, and the chairman has well stated that it is almost impossible to act intelligently on certain bills now before the committee until the department can furnish further information, and that is why the unanimous consent was given to report the chairman's resolution and ask for its passage.

The PRESIDENT pro tempore. Does the Senator from Alabama maintain his objection?

Mr. HEFLIN. Mr. President, in view of the fact that this in no way changes the immigration law, I shall not insist on my objection at this time. I have worked for 20 years in the two Houses to strengthen the immigration law, to restrict immigration, and I do not want any loopholes made in the law by any separate enactments from time to time. Since I am assured that the committee, composed of Democrats and Republicans and Progressives, all agree that this measure should pass at this time, I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc., That subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1928" and inserting in lieu thereof the figures "1929."*

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BOARD OF VISITORS TO PHILIPPINE ISLANDS

The bill (S. 755) providing for the biennial appointment of a board of visitors to inspect and report upon the government

and conditions in the Philippine Islands was announced as next in order.

Mr. BINGHAM. Mr. President, when this bill was reported from the committee, it should have been referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask that that order be made at this time.

The PRESIDENT pro tempore. Without objection, that order will be entered.

#### RELIEF OF THE STATE OF CONNECTICUT

The bill (S. 3117) for the relief of the State of Connecticut was announced as next in order.

Mr. KING. Let us have an explanation of the bill. It relates to the year 1812.

Mr. BINGHAM. Mr. President, this is the same type of relief exactly which has already been given to the State of New York and to the State of Maryland, and by a vote of the Senate a few days ago to the State of North Carolina.

Mr. SMOOT. Mr. President, I have asked for information in regard to this matter, and I would like to have all these bills go over until I get the information. There are some other measures of the same nature.

Mr. BINGHAM. The only other bill was one relating to North Carolina, which the Senator permitted to pass.

Mr. SMOOT. I was not here, and that is the reason why it passed.

Mr. BINGHAM. It seems to me this is exactly the same kind of relief that was given to three or four other States.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. SMOOT. Yes; I insist on my objection.

The PRESIDENT pro tempore. The bill will be passed over.

#### MOUNT MCKINLEY NATIONAL PARK

The bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park in the Territory of Alaska," approved February 26, 1917, was considered as in Committee of the Whole.

Mr. LA FOLLETTE. I would like to have an explanation of the bill.

Mr. BINGHAM. It relates to the construction of roads in the McKinley National Park in the Territory of Alaska.

Mr. JONES. I suggest to the Senator from Connecticut that the first part of the measure removes the \$10,000 limitation which now runs against the McKinley Park.

Mr. BINGHAM. I was about to explain the object of the removal of that limitation. It is due to the fact that, owing to the peculiar climatic conditions in Alaska, when a road is to be built, it is impossible to build the road within less than three years, because the first year the moss must be removed, the next year the ice under the moss must be given a chance to melt, and the third year we get the road built. That is the reason of the necessity for removing the limitation.

Mr. LA FOLLETTE. With that explanation, I withdraw my objection.

Mr. REED of Pennsylvania. Mr. President, that has nothing to do with the second section. Will not the Senator explain that?

Mr. BINGHAM. The second section is in order to permit prospectors and miners engaged in prospecting and mining, who need game for their actual necessities when short of food, to kill game or birds in the park. In no case are birds or animals killed in the park to be removed therefrom or sold, nor are they to be killed wantonly. It is only to permit prospectors and miners, when in need of the actual necessities of life, to kill game in the park. It seems to us a very reasonable provision.

Mr. REED of Pennsylvania. But the effect of this is to repeal the law which permits them to kill the animals and birds.

Mr. BINGHAM. This bill was reported by the Senator from Ohio [Mr. WILLIS], and in his absence I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

#### ORDER OF BUSINESS

Mr. CURTIS. Mr. President, there are only two or three more pages of the calendar, and many of the measures are bridge bills, and I ask unanimous consent that we continue for 15 minutes on the calendar, if necessary, to complete consideration of unobjected bills.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### COMMANDER ALBERT CUSHING READ

The joint resolution (S. J. Res. 51) tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic

airplane flight, and providing for his advancement on the list of commanders of the Navy, was considered as in Committee of the Whole, and was read, as follows:

*Resolved, etc.,* That the thanks of Congress are hereby tendered to Commander Albert Cushing Read, United States Navy, for his success in accomplishing the first trans-Atlantic airplane flight.

SEC. 2. The President is hereby authorized to advance Commander Albert Cushing Read, United States Navy, 10 numbers on the list of commanders of the Navy, to rank next after Commander Aubrey Wray Fitch. Said Albert Cushing Read shall be an additional number in the grade of commander, and in any grade to which he may hereafter be promoted.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ESTATE OF WYMAN HENRY BECKSTEAD

Mr. HALE. Mr. President, I ask unanimous consent to return to Senate bill 2008, for the relief of the parents of Wyman Henry Beckstead. This is the death gratuity case which was reached a few moments ago.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "death," to strike out the period and insert a colon and the words "Provided, That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death," so as to make the bill read:

*Be it enacted, etc.,* That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to the parents of Wyman Henry Beckstead, late radio man, second class, United States Navy, an amount equal to six months' pay at the rate received by said Wyman Henry Beckstead at the time of his death: *Provided,* That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NINA MACDONALD AND OTHERS

The bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "\$166.46" and to insert in lieu thereof "\$40.46"; on page 2, line 1, to strike out "\$468.46" and insert "\$351.35."

The amendments were agreed to.

Mr. SMOOT. Mr. President, there is no report on the bill in my file. The Senator from New York, who introduced the bill, is absent, and therefore I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### ALFRED O. HUESTIS

The bill (S. 1207) for the relief of Alfred O. Huestis was announced as next in order.

The PRESIDENT pro tempore. That bill was reported adversely, and without objection, it will be indefinitely postponed.

#### JACOB F. WEBB

The bill (H. R. 5255) for the relief of Jacob F. Webb was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 7944) to authorize appropriations for construction at military posts, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, I would like to inquire, in view of the fact that we appropriated a short time ago a considerable amount for military construction, what is the necessity for this further appropriation?

Mr. REED of Pennsylvania. This is to complete the construction already authorized and commenced at Fort Humphreys. In the Sixty-ninth Congress \$500,000 was appropriated.

The appropriation bill which went to the President last week carried \$160,000 more, and this authorization is all that is necessary to complete all of the construction at Fort Humphreys. It will round out and complete the work already begun.

Mr. FLETCHER. It is merely an authorization. The department merely wants to know that the money will be ready when needed.

Mr. SMOOT. This has nothing to do with the \$4,000,000 authorized the other day.

#### BILLS INDEFINITELY POSTPONED

The bill (H. R. 3049) for the relief of Alexander Ashbaugh was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection it will be indefinitely postponed.

The bill (H. R. 4280) to correct the military record of John W. Cleavenger, deceased, was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection it will be indefinitely postponed.

#### ST. VINCENT'S ORPHAN ASYLUM

The bill (S. 2511) to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831," was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the act of Congress amending the act incorporating St. Vincent's Orphan Asylum, approved on the 22d day of June, 1910, be, and it hereby is, amended as follows:

"The name of said corporation shall be St. Vincent's Home and School.

"SEC. 2. The purpose of said corporation shall be to care for and educate orphan, indigent, and other female children under 18 years of age under such rules and regulations as it may adopt.

"SEC. 3. All property now vested in St. Vincent's Orphan Asylum as incorporated as aforesaid is hereby vested in and confirmed to St. Vincent's Home and School as reincorporated by this act. Said corporation shall have power to acquire, hold, and convey such real estate as it may deem proper for its said purposes and to hold such personal property as it may use, or use the income from, for said purposes, and to take and hold real estate and personal property by grant, devise, or bequest: *Provided,* That any real estate granted or devised to it and not used for its corporate purposes shall be sold and conveyed away within five years after the date of such devise.

"SEC. 4. Cornelius F. Thomas, Michael J. Riordan, Samuel Joseph Henry, Paul E. Johnson, O. H. Perry Johnson, Peter A. Drury, Michael F. Calnan, William P. Normoyle, E. Francis Riggs, Joseph E. Ransdell, B. Francis Saul, James F. Shea, and William H. De Lacy are hereby constituted and confirmed as the said corporation and as trustees to manage the said corporation. When a vacancy occurs in their number they may fill such vacancy, and they may increase or diminish their number from time to time as they may deem expedient. They shall elect a president, a secretary, and a treasurer from their number, adopt a corporate seal, and make all needful by-laws and rules and regulations for the institution to be conducted by said corporation.

"SEC. 5. That the proviso in section 1 of said act of Congress approved on the 22d day of June, 1910, and all parts of said act inconsistent with this act are hereby repealed.

"SEC. 6. The right is reserved to alter, amend, or repeal this act."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3116) providing for half holidays for certain Government employees was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The bill (H. R. 232) to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That the act approved June 7, 1924, is hereby amended to read as follows:

"The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely: Honorably discharged officers, soldiers, sailors, or marines, including women commissioned or enlisted, and Army and Navy nurses under commission, enlistment, appointment, assignment, or contract since April 21, 1898, who served in the regular, volunteer, or other forces of the United States, or in the Organized Militia or National Guard when called into Federal service, and who are disabled by dis-



case or wounds and who have no adequate means of support, and by reason of such disability are either temporarily or permanently incapacitated from earning a living."

Mr. SMOOT. May we have an explanation of the bill?

Mr. REED of Pennsylvania. The only effect of the bill is to carry out the intention, which the Congress had in its last revision of the law, to take care of nurses of the Civil and Spanish Wars. At present there are about 30 of these old ladies in the home now, and it was believed by everybody that they had a right to be there, but the Comptroller General recently ruled that a strict construction of the law would not permit them to be there.

Mr. SMOOT. The reason why I asked for an explanation was because I thought it had reference to certain veterans. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PERMANENT CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 6094) to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the second proviso of section 7 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes" (44 U. S. Stat. 203), approved March 12, 1926, be, and the same is hereby, amended so as to authorize the Secretary of War to grant to the State of Louisiana a period of six years for the purpose of exercising the State's option in the purchase of Jackson Barracks.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania [Mr. REED] may make an explanation of the bill just passed.

Mr. REED of Pennsylvania. I shall be glad to do so if it does not encroach upon the rights of the Senator who has charge of the bill. He may wish to explain it.

Mr. FLETCHER. Mr. President, the bill has been passed, but I have no objection to making a brief explanation. It merely extends the time for the National Guard of Louisiana under an agreement to buy this old fort. The Government does not want it and has agreed with the National Guard to sell it to them at a certain price. They have not quite got the money, but will have it within the extended time.

Mr. REED of Pennsylvania. The reason of the committee for authorizing the extension of the time and reporting the bill favorably is that the State of Louisiana at present is under such heavy expense because of the flood that it seemed to justify an exception.

#### COMMISSIONS FOR BANDMASTERS

The bill (S. 750) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

*Be it enacted, etc.,* That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant-officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"Sec. 6a. Chief bandmaster: A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, to serve until relieved by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major, fourth pay period, while so serving. He is charged with the duty for the uniform administration of the Army Music School and all authorized Army bands, and shall advise The Adjutant General on all matters relating to the musical organizations in the Army.

"Sec. 6b. Bandmasters: Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, first pay period, to rank with second

Lieutenants; 3 to 10 years, second pay period, to rank with first lieutenants; over 10 years, third pay period, to rank with captains. All prior active band-leader service, commissioned and enlisted, shall be credited toward computing the pay period present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army, and eight additional bandmasters for duty with the Army Music School as instructors. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

SEC. 3. This act shall take effect on the 1st day of the third month next following its enactment.

SEC. 4. This act may be cited as the "Army bands act."

Mr. KING. Mr. President, may we have an explanation of the bill?

Mr. LA FOLLETTE. Will the Senator from Connecticut explain the bill briefly?

Mr. BINGHAM. The bill is similar to one in regard to Army bandmasters which passed the Senate at the last session in May, 1926. It does for the bandmasters what the Congress has done for chaplains in the Army. Instead of giving the bandmaster the title of lieutenant or captain, as he has in the military bands in other countries of the world, it gives him the title of bandmaster, but with the rank of first lieutenant or second lieutenant according to the length of time he has been in the service. A very distinguished bandmaster, John Philip Sousa, appeared before the committee and stated to us that in his opinion it was extremely important to increase the morale of the service by permitting bandmasters in the Army to have a commissioned rank. Our attention was brought to the fact that when the Canadian bands came to Washington last summer with other parts of the Canadian forces, the bandmasters were entertained by the bandmasters of the American Army. When they were invited to attend a luncheon at the Army and Navy Club, the Canadian bandmasters, having the rank of commissioned officers, were permitted to go into the club for lunch, but their hosts, the bandmasters of the American Army, had to leave them at the threshold of the club.

The only objections to the bill are the objections that have been made to giving commissions to chaplains of the Army. The committee, having given the matter full consideration and had hearings, has unanimously recommended that the bill should pass.

Mr. KING. Does not the Senator think the Army and Navy Club should modify its rules in a democratic country like this? I can not understand why a man who is a musician and leads the band, simply because he does not have a rank, may not go in and sit down with the others in that club, whether they be second lieutenants or generals. I think it is not to the credit of any club or of our institutions to permit such discrimination.

Mr. BLEASE. Mr. President, will the Senator permit a question?

Mr. KING. Certainly.

Mr. BLEASE. Does the Senator know that there are certain clubs in this city which handle whisky to suit themselves, while others can not even get a look at it?

Mr. KING. That is not germane to the question I was discussing.

Mr. BLEASE. It is the same proposition. It is merely a matter of partiality.

Mr. KING. If the reason suggested by the Senator from Connecticut is the only one that is offered, I am not satisfied with the explanation.

Mr. BINGHAM. I shall be very glad to explain still further. The committee went into the question quite fully, and is of the opinion that one of the difficulties with the music situation in the Army is that we can not get the high standard of musicians to go into the service and be bandmasters because they are never permitted to secure commissions, as they could do in the band of any other army in the world.

Mr. CARAWAY. And that is about the only branch of the service where they can not get a commission, is it not?

Mr. BINGHAM. I believe it is.

Mr. CARAWAY. And it does not cost the Government a cent more?

Mr. BINGHAM. Very little more.

Mr. SMOOT. Mr. President, I want to ask the Senator if there are any other organizations in the Army or Navy that are going to come here and ask that they be advanced one grade in this way? My experience in the Senate has been that they start somewhere down the line and get advanced a grade, and then, because they have been advanced one grade, everybody in the line above them in the Army and the Navy have to be advanced one grade, too. That seems to have been the policy.

Mr. BINGHAM. The bill does not do for the bandmasters as much as we have done for chaplains, veterinarians, and dentists.

Mr. SMOOT. But they will be back to get more, and in the meantime if we take the chaplains and others and increase them again as we seem to do at nearly every session of Congress, the bandmasters will be back again in due time and ask to be advanced again.

Mr. BINGHAM. I hope the Senator will not object.

Mr. SMOOT. No; I am not going to object, because the evil has been done and there is apparently no hope of curing it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LOAN OF AERONAUTICAL EQUIPMENT AND MATERIAL

The bill (S. 2611) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out the word "him" and insert in lieu thereof the words "the President"; and in line 6, after the word "available," insert the words "and as are not obtainable as commercial articles in the open market"; and on page 2, line 4, after the word "thereof," to insert the words "in good order," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to loan, under regulations to be prescribed by the President and without cost to the United States, such articles of aeronautical equipment or material as may be available and as are not obtainable as commercial articles in the open market, to American manufacturers or designers of aircraft or others engaged in research work in connection with aeronautics for the purpose of assisting in the development of aeronautics, and the Secretary of War shall require in each case from every manufacturer, institution, or person a bond in the value of the property issued for the care, safe-keeping, and return thereof in good order to the United States when required.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL INDEFINITELY POSTPONED

The bill (S. 2256) authorizing the President to order Clifton E. High, late first lieutenant, Medical Corps, United States Army, before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation, was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection it will be indefinitely postponed.

#### SCHOFIELD BARRACKS, HAWAII

The bill (H. R. 7932) to authorize appropriations for construction at military posts, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated not to exceed \$65,000, to be expended for the construction and installation at Schofield Barracks, Hawaii, of nurses' quarters and utilities and appurtenances thereto.

Mr. KING. Mr. President, may I inquire of the Senator from Pennsylvania why we have these bills for particular stations and buildings when we had a general bill the other day carrying millions of dollars for such purposes? Why was not this included in the general bill?

Mr. REED of Pennsylvania. It ought to have been included, but it was not sent to us by the War Department in time. The need for this item arises from the fact that while the hospital at Schofield Barracks in Hawaii has been finished, no adequate provision exists within several miles for the housing of the

nurses. The bill authorizes \$65,000 for the completion of nurses' quarters there at the hospital. It carries no other item. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CLIFFORD D. HAM

Mr. BLAINE. Mr. President, I ask unanimous consent to return to Calendar 541, the bill (S. 1899) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$7,715.85" and insert in lieu thereof "\$5,300," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$5,300 to Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua, for damages to the wharf at Corinto, Nicaragua, caused by the U. S. S. *Quail*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 2823) amending the Statutes of the United States with respect to reissue of defective patents was announced as next in order.

Mr. CARAWAY. Mr. President, I do not think we ought to rewrite the patent law without knowing what we are doing about it.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### EXEMPTION OF AMERICAN INDIANS FROM IMMIGRATION ACT

The bill (S. 716) to exempt American Indians born in Canada and American Indians born in Mexico of tribes formerly settled in the United States from the operation of the immigration act of 1924 was considered as in Committee of the Whole. The bill had been reported from the Committee on Immigration with amendments, on page 1, line 4, after the word "Canada," to strike out the words "or of American Indians born in Mexico of tribes formerly settled in the United States"; and on page 1, line 6, after the words "United States," to add the words "Provided, That this right shall not extend to persons whose membership in Indian tribes or families is created by adoption," so as to make the bill read:

*Be it enacted, etc.,* That the immigration act of 1924 shall not be construed to apply to the right of American Indians born in Canada to pass the borders of the United States: *Provided,* That this right shall not extend to persons whose membership in Indian tribes or families is created by adoption.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to exempt American Indians born in Canada from the operation of the immigration act of 1924."

#### BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;



H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Hidgon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; and

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.

#### BILL PASSED OVER

The bill (H. R. 5721) authorizing E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### ST. FRANCIS RIVER BRIDGE, ARKANSAS

The bill (H. R. 9365) to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "at," to strike out the words "or near"; and on page 1, line 6, after the word "plans," to strike out the words "approved and," so as to make the bill read:

*Be it enacted, etc.,* That the free highway bridge now being constructed by the Arkansas Highway Commission across the St. Francis River at Marked Tree, in the county of Poinsett, Ark., if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to legalize a bridge across the St. Francis River at Marked Tree, in the county of Poinsett, Ark."

#### BILL RECOMMENDED

The bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky., was announced as next in order.

Mr. FESS. Let the bill go over.

Mr. JONES. I understand there have been two bills which have been passed providing for bridges at practically the same point. I ask that the bill may be referred back to the Committee on Commerce to enable us to look into the situation more fully.

The PRESIDENT pro tempore. Without objection, that order will be entered.

#### WHITE RIVER BRIDGE AT COTTER, ARK.

The bill (S. 3511) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "at," to insert the words "or near"; and in line 7, after the word "Arkansas," to strike out the words "and within one-half mile below the Missouri Pacific Railway Co.'s bridge across such river at such point, in the counties of Baxter and Marion, in the State of Arkansas," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across White River, at a point suitable to the interest of navigation, at or near Cotter, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That if tolls are charged for the use of such bridge constructed under the authority of this act, the State Highway Commission of Arkansas may so adjust the rate of toll to be charged as to produce sufficient revenue to maintain, operate, and repair the bridge and repay the original cost of construction of the same, including any interest paid on borrowed money and discounts necessarily required in financing such original construction, and shall, after the repayment thereof, operate such bridge as a free bridge.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark."

#### ALPHA NEWELL

The bill (S. 140) for the relief of Alpha Newell was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, at the request of the Senator from California [Mr. SHORTIDGE], I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### MONONGAHELA RIVER BRIDGE, PITTSBURGH, PA.

The bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the time for completing the construction of the bridge across the Monongahela River at or near Pittsburgh, Pa., authorized to be built by the county of Allegheny by an act of Congress approved January 31, 1925, is hereby extended three years from the date of the approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The call of the calendar is completed.

## PROTECTION OF MIGRATORY BIRDS

Mr. CURTIS. Mr. President, at the request of the Senator from South Dakota [Mr. NORBECK], I move that the Senate proceed to the consideration of Senate bill 1271, being what is known as the migratory bird bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

Mr. KING. What is the motion?

The PRESIDENT pro tempore. To make the migratory bird bill the unfinished business of the Senate.

Mr. DILL. What became of the bill yesterday?

The PRESIDENT pro tempore. The motion to proceed to its consideration died with the adjournment last night. The question is on agreeing to the motion of the Senator from Kansas.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fess	McNary	Shipstead
Barkley	Fletcher	Mayfield	Shortridge
Bayard	Frazier	Metcalf	Simmons
Bingham	George	Moses	Smith
Black	Gerry	Neely	Smoot
Blaine	Gould	Norbeck	Steck
Blease	Hale	Norris	Steiwer
Borah	Harris	Nye	Stephens
Bratton	Harrison	Oddie	Swanson
Brookhart	Hayden	Overman	Tydings
Broussard	Heflin	Phipps	Tyson
Capper	Johnson	Pittman	Wagner
Caraway	Jones	Ransdell	Walsh, Mass.
Couzens	Kendrick	Reed, Mo.	Walsh, Mont.
Curtis	Keyes	Reed, Pa.	Warren
Cutting	King	Robinson, Ark.	Waterman
Deneen	La Follette	Robinson, Ind.	Watson
Dill	McKellar	Sackett	Wheeler
Edge	McLean	Schall	
Edwards	McMaster	Sheppard	

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Kansas.

Mr. DILL. Mr. President, I do not intend to make a speech at this time against the adoption of the motion of the Senator from Kansas, but I do want to call attention to the fact that this bill, in my judgment, holds within itself the most dangerous proposal to the freedom of the ordinary citizen in enjoying a little sport of any legislation that has ever been before the Senate. It would require, if it became a law, every man who goes out to hunt, regardless of what his real intention may be, to have a license in order to be safe from the Federal game warden taking his gun. It would permit the Federal game wardens not merely to supervise the reserves belonging to the Federal Government, but to go out in any part of any State and interfere with hunters anywhere. In the third place, it would permit the Secretary of Agriculture to make regulations about hunting not only in the Federal game reserves but all over the United States.

I do not believe that the Members of the Senate realize how serious this bill may become if it shall be enacted into law and its provisions shall be carried out as they probably will be carried out. I repeat, I am not going to discuss the bill at length on the motion of the Senator from Kansas, but I do want Senators to realize that, unless the bill shall be amended so that it will be a migratory bird reserve bill and not a Federal license hunting bill, it is a bill that ought to be killed.

Mr. BORAH. Mr. President, I presume the Senator from Washington will later discuss the bill, and I, therefore, shall not now ask him the question that I was going to ask.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. NORBECK. Mr. President, I do not want any misunderstanding about this measure. There have been many reports circulated concerning it which are misleading. First, let it be understood that this bill does not in any way regulate or circumscribe the game limit; that is left just where it has been. There may be room for difference of opinion as to whether or not it should be further reduced; but the point is that the subject is not dealt with in this bill.

I repeat what I said yesterday, that this is primarily a bill to secure bird preserves in order that the migratory birds may have some nesting places. We entered into an agreement with Canada in connection with migratory birds. That country has established some forty-odd bird sanctuaries besides other preserves. Thousands of square miles have gone into those preserves. On the other hand, the situation is most acute in this country.

I wish to say that the Senator from Washington and I have talked over some of the objections which he has raised, and in order to clear up any misunderstanding I am perfectly willing to agree to an amendment as to one matter. After all, there is no important difference between us. The question is, Shall the law be better enforced than it is now or shall it not be? That is one question. Another one is, Shall we establish bird preserves; and if so, where will we get the money? The bill proposes to get it from Federal licenses. If I knew of any other way to get it it would suit me better.

The Senator complains of provisions under which regulations may be prescribed by the Department of Agriculture. He and I in the past have supported bills carrying the same kind of power as to the promulgation of regulations.

Mr. DILL. Can the Senator refer to any law under which the Secretary of Agriculture or any other Secretary has a right to make regulations affecting the entire United States under which men may be arrested and fined and jailed without their knowing anything about those regulations?

Mr. NORBECK. There have been other bills here relating to bird preserves that have carried the same right of regulation.

Mr. DILL. But this bill refers to the territory outside of the preserves as well as in them.

Mr. NORBECK. Let me ask, if that is the Senator's objection, suppose we change that provision, will the Senator then agree to support the bill?

Mr. DILL. Oh, that is only one of my objections.

Mr. NORBECK. Oh, yes.

Mr. DILL. If this bill shall be properly amended, I will support it.

Mr. NORBECK. We can understand each other.

Mr. DILL. The Senator knows that I am in favor of migratory bird preserves. The only reason the Senator continually talks about migratory bird preserves is because he knows that is popular; but when it comes to talking about objections to this bill, the Senator wants to waive them aside. If the objectionable provisions shall be taken out of the bill, I will be glad to vote for it.

Mr. NORBECK. I am asking the Senator whether, if particular objections are removed, the Senator's support of the bill will be enlisted?

Mr. DILL. My first objection to this bill is that it requires a Federal license for hunters outside the preserves.

Mr. NORBECK. That is merely to provide the money, and unless we can get the money to administer the bill we had just as well strike out its enacting clause.

Mr. DILL. I believe that these preserves can be provided for out of the Treasury of the United States just as the bill which was passed in relation to a bird preserve in the State of Utah provided.

Mr. NORBECK. It passed the Senate twice, but never got through the House.

Mr. DILL. There is no assurance that this bill will get through the House, either.

Mr. NORBECK. This bill passed the House once at a previous session.

Mr. DILL. It passed the House once before, but then it was not so objectionable as it is now.

Mr. BORAH. Mr. President, do I understand the Senator from Washington to say that under this bill the Secretary of Agriculture is given the power to make rules and regulations, the violation of which will constitute a crime?

Mr. DILL. This bill provides two kinds of regulations, the violation of which would constitute a crime. One set of regulations affects the bird preserve, for violation of which the offender may be punished by a \$500 fine and six months in jail. The other regulations affect territory outside the preserves. For violation of those regulations the offender may be fined for the first offense \$10, for the second offense \$25, and for the third offense \$50. There is no provision that requires these regulations to be published for any particular length of time. There is no provision that makes it possible for the ordinary citizen to know what they are. I submit there is no law on the statute books of this country that gives an administrative officer the power to make regulations affecting the whole country, as this bill provides, a violation of which constitutes a crime.



The Senator from South Dakota yesterday started in to explain his bill, and I thought probably he would want to do that before we discussed it in detail.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The Secretary will state the amendments of the committee.

The CHIEF CLERK. On page 3, line 13, before the word "for," it is proposed to strike out "device" and insert "devise."

Mr. DILL. I have no objection to that amendment.

The amendment was agreed to.

The CHIEF CLERK. On page 5, line 18, after the word "or," it is proposed to insert "occupy or use any part thereof, or."

Mr. DILL. Mr. President, I wish the Senator from South Dakota would explain his reason for that amendment.

Mr. NORBECK. If the Senator will refer to the committee report, he will find the explanation in that.

Mr. DILL. I should be very glad if the Senator from South Dakota would make the explanation.

Mr. NORBECK. I will read it for the Senator.

One of the amendments pending makes inviolate for all time 60 per cent of the area acquired. The bills presented in the past have provided that with a surplus of game there might be shooting privileges. This bill provides that at least 60 per cent of the area shall be inviolate against any shooting privilege.

Mr. DILL. Mr. President, this provision says "That no person shall \* \* \* occupy."

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. I do.

Mr. DILL. This amendment says that nobody "shall \* \* \* occupy." What does the word "occupy" mean—that he shall not set his foot upon the reservation?

Mr. NORBECK. We talked that over very thoroughly when the other bill was up. It was a question of how much trespass might be allowed. There the provision was that trespass might be forbidden by the order of the Secretary. It was felt that no more than a certain amount of running over these grounds could be allowed if they were to be truly bird preserves. Does the Senator find objection to that part of it?

Mr. DILL. I wanted to know how broad the Senator from South Dakota thought that provision was. I have no objection to any legislation in regard to these migratory-bird preserves that will protect the bird preserves and will protect the use of the bird preserves, but I do not like to see legislation here, under the guise of protecting these bird preserves, that interferes with everything else that people may want to do.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. REED of Missouri addressed the Senate. After having spoken for some time—

Mr. DILL. Mr. President, I make the point of no quorum. The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Fletcher	McLean	Sheppard
Bingham	Frazier	McMaster	Shipstead
Black	George	McNary	Simmons
Blaine	Gerry	Mayfield	Smith
Blease	Gillett	Metcalf	Stetson
Bratton	Gooding	Moses	Stephens
Brookhart	Hale	Neely	Tyson
Broussard	Harris	Norbeck	Wagner
Couzens	Hayden	Nye	Walsh, Mont.
Curtis	Heflin	Oddie	Warren
Cutting	Johnson	Overman	Waterman
Dale	Jones	Pittman	Watson
Deneen	Keyes	Reed, Mo.	Wheeler
Dill	King	Reed, Pa.	
Edge	La Follette	Robinson, Ind.	
Fess	McKellar	Schall	

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses

thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

#### THE AUSTRIAN DEBT (S. DOC. NO. 75)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

*To the Congress of the United States:*

I am submitting herewith for your consideration a copy of a report of the Secretary of the Treasury regarding the action proposed to be taken by the Government of the United States in respect of the debt of Austria to this Government.

The action proposed by the Secretary of the Treasury has my approval. I recommend that the Congress enact the legislation necessary to enable the United States to join with the other relief creditors in permitting Austria to obtain the additional capital urgently needed for continuing its economic reconstruction, and to authorize the Secretary of the Treasury to conclude an agreement for the settlement of Austria's debt to the United States.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 20, 1928.

#### DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the United States Civil Service Commission, transmitting, pursuant to law, a schedule of useless papers in the offices of the commission which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. DALE and Mr. MCKELLAR members of the committee on the part of the Senate.

#### CUMBERLAND RIVER BRIDGE, TENNESSEE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

TENNESSEE RIVER BRIDGE, TENNESSEE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road, in Henry and Steward Counties, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

CUMBERLAND RIVER BRIDGE, TENNESSEE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road, in Stewart County, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

ANDREW W. MELLON, SECRETARY OF THE TREASURY

Mr. COUZENS. I offer a resolution and ask to have it read and lie over under the rule.

The PRESIDENT pro tempore. Without objection, the resolution will be received and the clerk will read it.

The Chief Clerk read the resolution (S. Res. 173), as follows:

Whereas the Senate of the United States has since October 23, 1923, been investigating the disposition of our naval oil reserves; and

Whereas for nearly all of this time there have been new developments until up to the present time there has been disclosed the worst trail of fraud and corruption in public life that has existed in our history; and

Whereas for considerably over four years Andrew W. Mellon, Secretary of the Treasury, has been familiar with the relationship of Harry F. Sinclair to the Republican National Committee of that period, and which relationship disclosed that the said committee received at least \$160,000 of Liberty bonds from Harry F. Sinclair to pay the committee's indebtedness for the 1920 campaign; and

Whereas in November, 1923, Andrew W. Mellon was informed of the source of these bonds and received from the chairman of said committee \$50,000 of the bonds; and

Whereas it is true that he returned these bonds, yet he at no time revealed this information until it was indicated from another source; and

Whereas the Interstate Commerce Committee of the Senate have been holding hearings on Resolution 105, to investigate the conditions in certain bituminous-coal fields; and

Whereas in the course of this investigation the Pittsburgh Coal Co., a Mellon enterprise, it has been disclosed, has done everything it could to defeat obtaining accurate findings as to its mines by the issuance of the following order:

"To all mine superintendents:

"The United States Senate investigating committee is now visiting the Pittsburgh district. Clean up all unsightly conditions. Keep our police in the background. Avoid all arrests. Instruct our men to keep out of trouble. If the committee desires to question any of our employees, see to it that you present men you can trust and who can be depended upon to give the right kind of answers. If you are examined by the committee, do not answer any questions you think might be harmful to our interests. The company will protect you. The company has mailed a spirited letter to each individual employee. If you know of any unsatisfactory condition in company camps or barracks, see that it is eliminated at once.

"(Signed) THE PITTSBURGH COAL CO."

And

Whereas the Senate of the United States has condemned the expense of \$786,934 in behalf of WILLIAM S. VARE in a recent election contest in Pennsylvania, and yet in the same contest \$1,804,979 was expended in behalf of another candidate; and

Whereas Andrew W. Mellon was a large contributor to this campaign, was a participant as a speaker, and defended contributions to this campaign on the ground that they were like unto contributions to a church; and

Whereas section 243 of the Revised Statutes of the United States makes it a criminal offense for "any person appointed to the office of the Secretary of the Treasury" to be "directly or indirectly concerned or interested in carrying on the business of trade or commerce"; and

Whereas Andrew W. Mellon, Secretary of the Treasury, is a stockholder and therefore is "directly and indirectly interested in carrying on the business of trade or commerce" in corporations such as Gulf Oil Corporation, Gulf Refining Corporation, Gulf Production Co., Gulf Pipeline Co., Gulf Refining Co. of Louisiana, Gypsy Oil Co., Gulf Pipeline Co. of Oklahoma, Mexican Gulf Oil Co., Southern American Gulf Oil Co., Panama Gulf Oil Co., Aluminum Co. of America, and other corporations named by former Senator Ernst in a speech prepared in the Treasury Department and as recorded in the CONGRESSIONAL RECORD of March 14, 1925; and

Whereas the Senate of the United States in the only analogous case of record declared that the Secretary of the Treasury could not be financially interested in trade or commerce; and

Whereas the Government of the United States was defrauded out of \$91,000 in the tax case of the Mellon National Bank, the Union Trust Co., and the Union Savings Bank while Andrew W. Mellon was Secretary of the Treasury; and

Whereas Andrew W. Mellon, as Secretary of the Treasury, benefited through indefensible decisions in the tax case of the Gulf Oil Co., as disclosed by the select committee of the Senate appointed to investigate the Bureau of Internal Revenue; and

Whereas there was much evidence of corruption, favoritism, violation of the law, and illegal settlements with certain large taxpayers reported by the select committee of the Senate appointed to investigate the Internal Revenue Bureau; and

Whereas Andrew W. Mellon was responsible for this condition; and

Whereas throughout all of the administration of said Andrew W. Mellon there runs an indifference to the law, a contempt for the law, a defiance of law; and

Whereas an indifference to law, a defiance of law, and contempt for law upon the part of those sworn to uphold and defend the Constitution and laws of the United States breeds and encourages indifference and disrespect for law upon the part of other employees of the Government and upon the part of citizens and thereby contributes to and does undermine and eventually will destroy the Government of the United States; and

Whereas the Senate of the United States has confirmed the appointment of Andrew W. Mellon as Secretary of the Treasury, and to that extent has assumed responsibility for him: Therefore be it

Resolved, That it is the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury.

Mr. REED of Pennsylvania. Mr. President, I take it that we may assume that Mr. Mellon is otherwise all right?

Mr. COUZENS. I would not admit that.

The PRESIDENT pro tempore. The resolution will lie over under the rule.



## PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. REED of Missouri continued his speech, which is as follows, from the beginning:

Mr. REED of Missouri. Mr. President, the chairman of the committee seems to be averse to explaining his bill, or giving the Members of the Senate any light whatever in regard to it except such as they may get from the bill itself. I am not at this moment prepared as well as I should like to be prepared to discuss the bill; but the bill as drawn, in my opinion, is a mere monstrosity.

In the first place, I want it understood that I am in favor of reasonable protection of the game and fish of the country. I helped to put through, at one session, a bill creating a fish preserve. I do not believe this to be the business of the Federal Government, and have never so believed; and I have the temerity to maintain that opinion in the face of the decision of the Supreme Court of the United States. Notwithstanding that opinion, I still say that the Federal Government has no proper jurisdiction in this sort of case.

From time immemorial wild game has been known as *ferae nature*, and the property was in the State. When the Constitution was framed, the States retained all the powers of sovereignty except as those powers had been modified by direct grants to the Federal Government. One of the powers granted to the Federal Government was the right to regulate interstate commerce, and it is under that power that this pretended authority is held to exist.

Every one familiar with the interstate-commerce clause knows that it was intended to regulate the shipment of goods from one State to another and to foreign parts. It was not originally contemplated that the law should go beyond that; and the provision sprang into existence because certain of the States had undertaken to place embargoes upon commerce with other States.

Early in our history we began to employ powers granted for one specific purpose in order to accomplish an entirely different end. It was, in its inception, a usurpation and a breaking down of the Constitution itself.

One of the early instances was the tax levied upon the issuing of money by State banks. However desirable it may have been to stop State banks issuing money, the power did not exist in the Federal Government. Congress undertook to employ a power granted for the purpose of raising revenue so as to destroy these banks, over which it had no direct authority. There was the right to levy a tax for the purpose of raising revenue, not for the purpose of destruction; and a law existed taxing the issuance of money by State banks. Congress then conceived the idea that it did not want to raise revenue, that it wanted to destroy the banks, and destroy the source of the revenue by destroying the banks; and so Congress levied a 10 per cent tax upon all moneys issued by State banks. It was admitted in the argument of the case that the effect of the law was not to raise revenue but was to destroy the source of revenue. Nevertheless the Supreme Court said that so long as Congress had the power to levy a tax it would not look into the objects and purpose for which it was levied, and sustained the act of Congress. It said that it would not look into the motive, although that motive was on the face apparent. It was, in my opinion, the most mistaken doctrine ever established by that great court.

Following that decision, Congress conceived the idea that it could employ many other powers of government to accomplish powers not within the grants of power and authority contained in the Constitution.

Mr. SIMMONS. Mr. President, if the Senator will yield, I will ask him if the action of Congress in imposing a tax upon colored oleomargarine is not just as good an illustration as the one of the imposition of a tax upon the money issued by State banks?

Mr. REED of Missouri. Absolutely. Congress had the power to levy a tax on goods imported into the United States for the purpose of revenue. Congress never was granted power to levy a tax for the purpose of increasing the price of goods to the American people and enriching certain classes of manufacturers; and if any such proposal had been made at the time the Constitution was before the States for approval it is safe to

say that it would have been incontinently rejected. But with the precedent theretofore established, Congress said to itself, "It does not make any difference whether we have been granted the power to take the property or money of the people of the United States from them by force of law, by creating a condition which compels them to pay under the law and under the combinations back of the law; we will, nevertheless, levy this tax upon imports, not for the purpose of creating revenue but for the purpose of creating profits for favored gentlemen and institutions."

One great judge, in speaking of that decision, said that to lay the hand of power upon the property of one citizen and transfer it to another was none the less robbery though done under the forms of law. Nevertheless, the power granted for one purpose was again employed to accomplish a different purpose and a wholly foreign purpose.

Then came the oleomargarine case. Then we proceeded further in the matter of using the powers to regulate interstate commerce. We declared that the power to regulate the shipment of goods from one State to another could be employed to regulate the instrumentalities of commerce. Then we declared that the labor employed was an instrumentality of commerce. So we proceeded to regulate the hours of labor and the wages of the men engaged in running the railroad trains throughout the land.

It is a far cry from the regulation of the wages of men to a regulation providing that commerce may flow freely from one State to another. That law has been popular. It has been popular because the wages were regulated up and the hours of labor down. But it should be remembered by those who are willing to confer powers of this character upon the Federal Government that the power to do a thing in a popular way is the power to do it in an unpopular way; the power to do a thing right is always the power to do it wrong, and the day may come when conditions in this country will be such that a Congress can be found that will be regulating the wages of men down and the hours of labor up.

The point I am making is that we were using a power granted for a particular purpose to coerce and compel action that never was within the contemplation of the framers of the Constitution. Always Congress fell back upon the theory that if Congress exercised a power, the courts could not inquire into the reason for that exercise. So in case after case this mistaken theory of construction was adhered to.

It was carried to such an extent that it was finally conceived that these powers could be used to accomplish any purpose or any end. It was almost analogous to the case of giving a police force the right to carry guns for the protection of life and property, and then directing them that they could use their weapons for the destruction of life and property. It was an entirely different use of power than was contemplated.

Then came the child labor law, where Congress sought to exercise the power to regulate commerce so that it could regulate the hours of labor in the factories in the States. It was urged that it was a humane measure. It was urged that the States had not properly protected children, and that therefore Congress, in its superior wisdom, ought to take over that regulation. But the question arose, Where is the power to be found? for we are not a body with general jurisdiction, but only with limited jurisdiction. That power must be found in the Constitution of the United States, and not elsewhere, and if it is not there ordained, the power does not exist.

Congress passed a law providing that goods that were manufactured under certain conditions of labor could not be shipped in interstate commerce. Then the question was put squarely to the Supreme Court: If this power to regulate interstate commerce can be extended to regulate the hours and conditions of labor in factories, it can be employed to regulate the wages, and if it can be employed in factories, it can be employed on farms, and if it can be thus employed, it can be so used as to carry over to Congress the right to regulate all of the affairs and all of the business of the people of the United States.

I regret that I have not the opinion of the Supreme Court before me, but it finally was compelled in that great case to repudiate in substance and effect the doctrine to which it had adhered for nearly a century of time.

The Supreme Court then said that no matter though a power exists it can not be employed to accomplish objects and purposes which are not within the jurisdiction of the Congress, and if the mere right to regulate interstate commerce can be extended to regulate the habits and lives of a people and their conditions of industry, then indeed under that one single power the Federal Government becomes omnipotent and the rights reserved to the States are nullified. That is in substance and effect the decision.

Then it was conceived that the taxing power could be used as it had been used in the oleomargarine case and in the tariff bills and in the earlier case of State banks of issue taxation. So a law was passed fixing a tax on goods. The Supreme Court again said that while the power to tax existed it could not be employed for the purpose of destroying or regulating the business of people within the States.

There went up another case, known as the Nebraska language suit. That was a case where the Legislature of Nebraska during or immediately succeeding the war passed a law making it a crime for a parent to teach his child under 8 years of age any other language than the English language. It was, of course, aimed at the population of that State who were of German extraction and who still taught their children the mother tongue of Germany. When a citizen of that State was brought to the bar to answer to the heinous charge of teaching his child some other language than English the power of the State to make such a regulation was brought in question, and the court answered that it was a police regulation, and that it was put there for the protection of the child, and that a State had the right to protect a child of tender years. But the Supreme Court said that notwithstanding the fact that the State had the right to protect a child of tender years it could not exercise that right for the purpose of destroying the natural right of the parent, and in a decision that will long be read and remembered the court went back to the old, fundamental thought that a power granted by the Constitution must be exercised for the purposes within the contemplation of the framers of the Constitution.

So we seem to have arrived at a ground where that great court proposed to keep every department of Government within the spirit of the Constitution itself, and to hold to the doctrine that a power granted for a particular purpose could not be extended beyond the objects for which the power had been granted in the Constitution.

Then came the remarkable decision in a prohibition case, in which it was held that, although the Constitution gave Congress for the first time the power to regulate and prohibit the manufacture and sale of intoxicating liquors for beverage purposes, it could be employed to prevent their sale and manufacture for any purpose whatsoever. So we went back in that decision to a doctrine which has been repudiated.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. KING. I might observe that in the decision last adverted to they held in effect that the beverage need not be intoxicating.

Mr. REED of Missouri. Oh, yes.

Mr. KING. That it might be one-half of 1 per cent or one-tenth of 1 per cent for that matter; that it was a legislative fiat that anything was denominated intoxicating; that it was a legislative lie, because Congress said it was intoxicating.

Mr. REED of Missouri. Yes, and we could write, according to the doctrine of some of those cases, across the face of the act, "The real purpose of this act is not to accomplish an end laid down in the Constitution, but to usurp a power not granted." I think that could be said to be a fair interpretation.

As I read the decisions first holding to the doctrine that the power must be exercised for the purposes granted—I am referring to the later class of decisions—and then this sudden reversal, I was compelled to think of Hennessy's remark to Dooley. Dooley said, "Hennessy, do the Constitution follow the flag?" Hennessy said, "I don't know, but I am mighty sure the Supreme Court follows the election returns." I say that with some hesitancy because no man holds in higher respect and regard than I do the great tribunal, which in so many instances has proven itself a beacon of light for our guidance through difficult questions.

The observations I have made are in point in this case. I began my remarks by saying that in my opinion, notwithstanding the decision of the Supreme Court, the power to regulate and control migratory birds and to punish people for interfering with them never was granted to Congress and has been wrongfully assumed. I start with the proposition that the migratory-bird case was dissented from by two of the great justices, Mr. Justice Van Devanter and Mr. Justice Pitney. When there is a division of opinion between the judges on that bench I have the right to join the minority as well as to join the majority. I want to read just one line from that decision. Mr. Justice Holmes, who delivered the opinion, after discussing the case, said in the concluding paragraph:

We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the

States. The reliance is vain, and were it otherwise the question is whether the United States is forbidden to act.

"The question is whether the United States is forbidden to act!" Is that the question when a constitutional power is challenged? What becomes of the tenth amendment? "All powers not herein granted are reserved to the States and the peoples thereof." From the first it has been known that the Federal Government was a Government of granted powers. It had no power except the powers given to it. Every power not given to it was by the tenth amendment reserved to the States and the peoples thereof. Yet we find this heresy written in the decisions of the Supreme Court of the United States. When did it become a doctrine in the United States that whenever Congress thinks the States are not properly exercising a power thereupon we must assume it? Admit that doctrine, sirs, and Congress becomes supreme, and the Constitution and constitutional limitations vanish. The will of this body can be exercised; and, having been exercised, the courts refuse to interfere as long as it is within the general powers; and if the powers are assumed to be of the character here indicated—that is, when the States have not exercised the powers in a manner suitable to Congress—the Congress thereupon takes over the power. If this be the rule of construction, the Constitution is as dead as the decrees of Julius Caesar. That is the kind of law upon which we are now proceeding to act. I confidently believe, since the Supreme Court wrote the child-labor decision and the Nebraska decision, notwithstanding its lapse in the prohibition case, that if the question were presented anew we would very likely get a different decision.

Interstate commerce is the basis now of this claimed right—that and a treaty made with Canada. Again, if we undertake to base this power upon the fact that we made a treaty, then to what end are we driven? Assume now that the power was not granted by the Constitution of the United States; then assume we get it by virtue of a treaty made with a foreign government and that the treaty supersedes the Constitution adopted by the people of the United States. Then we have a situation where a foreign government and the Senate of the United States can assume a jurisdiction and a power which can not be assumed by both branches of the Congress of the United States in the enactment of a law, and where the act of a foreign government plus the ratification by the Senate of the United States supersedes the Constitution of the United States. A more monstrous doctrine could not be conceived.

The concept that all powers are reserved to the States and the people thereof except as expressly granted becomes this sort of doctrine: "All powers are reserved to the Senate and a foreign government except as herein granted."

So, Mr. President, believing that such a bill as this, if enacted into law, would be unconstitutional, I am opposed to it upon that ground. The theory seems to be under the interstate commerce act that if a blue jay in Kansas gets a grain of corn in its bill and flies across the State line into Missouri, it is engaged in interstate commerce in corn. [Laughter.]

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. KING. I desired to suggest to the Senator, when he was discussing the question of a treaty plus the act of Congress, that California, in the exercise of a right which belongs to a sovereign State, has restricted orientals so that they may not acquire and hold real estate in that State. Under the new-fangled rule under which we are asked now to support the bill, we could make a treaty with China or Japan under the terms of which orientals might acquire and hold property in California notwithstanding the law of that State, and because a treaty had been negotiated, then the Congress could pass a law nullifying absolutely the law of California. So that we have reduced the States in all their police and domestic affairs to mere appendages of the Senate and the Executive; and in whatever the Senate and the Executive do, if there is a treaty back of it, the Congress would override the States and State rights and State obligations and duties.

Mr. REED of Missouri. The Senator's illustration is apt, impressive, and true, but we are discussing the Constitution this afternoon a little while and we do not expect anybody to be interested in it.

The spirit which has prevailed in Congress for at least 10 or 12 years has been that the Constitution is a chain upon the right of the people, through their representatives here, to enact such laws as they desire; that it is a repugnant thing; that it limits our liberties and, therefore, the question most frequently asked is not what is the spirit of the Constitution, or is the thing we are about to do clearly within the grant of power contained in the Constitution; but the question most frequently asked is,



"Can we do it despite the Constitution? Is there some way we can get around the miserable Constitution, some means by which we can circumvent it, some device by which we can escape its restrictions, for is it not a limitation upon the legislative wisdom?" That has been the spirit manifested here a dozen times since I have sat in this body.

An argument for the Constitution of the United States is generally met with curling lips by the gentleman who thinks he has devised a scheme to defeat the purpose of that Constitution. The difficulty is increased by a rule established in the courts that, whereas the Congress is the natural guardian of the Constitution, the courts will presume that the statutes here enacted are in accordance with the Constitution until and unless a plain violation is shown. So between the spirit of Congress, which is exactly the converse in recent years of the spirit ascribed to it, and the rule of law giving to acts of Congress the presumption to which I have adverted, the Constitution has been ground as between the upper and nether millstones. Going along with this has been the pernicious doctrine frequently taught in the forum and the press and elsewhere that the Constitution has been a citadel of privilege and hence a thing to be despised of all men.

Mr. President, when our fathers established this Government they knew that no government could be intrusted with absolute power. They realized that elementally man is a natural-born autocrat and despot; that believing a certain course of conduct is the best for him, he likewise would impose that course of conduct upon others; that frequently the more sincere he is in his judgments the more determined he is to fasten his will and course of conduct upon the other people; that some of the worst monsters that have cursed the world and saturated it in blood and wet it with the tears of innumerable people were those creatures who believed they were right in some particular theory, and therefore undertook with fire and sword to make everybody else conform to their views; and in doing so many of them thought they were serving God.

As a Frenchman expressed it, they conceived liberty to consist in making everybody else think as they thought. But wise men know that that is not liberty; that is tyranny; that is despotism; that is the liberty of one man and the enslavement of all others; that is the grant of privilege and power to one individual to forge chains for the brains and shackles for the souls of all the living.

So when the Government was set up the fathers did not intend to create any omnipotent power. They intended to grant limited power, and then always to provide a means by which the abuse of that power could be punished by the people themselves. They did not trust one branch of government, but set up three coordinate branches, each to be a check upon the other. They did not trust the courts of the land to make laws; they only intrusted them with the right to construe and enforce laws made by the legislative department of the Government. They did not trust the judges themselves but reserved to Congress the power of impeachment and removal from office. They did not trust a single branch of the legislature, no matter how representative or how numerous, to enact laws, but they required that the laws should be passed also by another branch of the legislature, chosen by a different constituency and for a different term. They did not trust both branches of the legislature finally to enact laws, but provided that all laws must be signed by the Executive, elected by still a different constituency and for still a different term; and that laws could be passed over his veto only by a two-thirds concurring vote in both Houses. They did not trust the Executive entirely, for the right was reserved to Congress to impeach even the President of the United States for high crimes and misdemeanors; and finally, that the power might be in the last analysis reserved in the people themselves, they provided that the Members of the House of Representatives should be elected every 24 months, so that every 24 months the people could impeach the Members of the House of Representatives by refusing to reelect them.

Thus the circle of power of authority proceeded from the people, and was in the end returned to the people. But having done all these things, they ordained the Constitution. They granted to the Federal Government a few specific powers, very simple in their nature, very limited in their purpose: The right to establish an Army and Navy to protect the land; the right to establish post offices and post roads to carry the mails and information to the people; the right to establish a banking and currency system; the right to regulate interstate commerce, which was intended only to facilitate and keep open the highways of trade; the right to establish courts to enforce these laws.

However, we have witnessed the illustration of the truth of the maxim, "Misers there be, but not of power." So the Federal Government was scarcely set up until it sought to extend

its power, to extend its jurisdiction; and in order to do that, to employ a power granted for one purpose so as to accomplish an entirely different end.

Mr. DILL. Mr. President, would the Senator from Missouri like to have a quorum called?

Mr. REED of Missouri. Oh, I do not think so. Nobody is interested in the Constitution but three or four of us. They are interested in a bird bill, and blue jays are more important than the bill of rights. The question of whether somebody is going to get a game preserve in his State is of more interest than is the question of whether the liberties of the American people are to be preserved. So I am not interested in a quorum, and a quorum would not be interested in me.

Mr. DILL. But if the Senator will yield, I desire to suggest he is making such a fine exposition of constitutional government that I thought it would be wise to have Senators here to listen to him.

Mr. REED of Missouri. I thank the Senator; but I am making this speech for my own satisfaction. [Laughter.]

We forget when we consider the Constitution that the most important part of it is the first 10 amendments—the bill of rights. Having granted certain specific and limited powers to the Federal Government, the wise men of that day feared that those powers would be abused, and, accordingly, it was stipulated and understood when the original Constitution was adopted that the bill of rights would immediately follow and be made a part of it. That compact was met and complied with. If the bill of rights had not been written, it is my opinion that years ago the Federal Government would have usurped every power it saw fit to take over and that the rights which constitute the soul of human liberty would long ago have been destroyed.

Occasionally I read where some one attacks these old and sacred things. The right of trial by jury is subject to constant heckling and attack. If a jury makes, peradventure, a mistake or if it renders a decision which is for the moment unpopular that fact is blazoned to the public, and we are told that we ought only to rely upon the decisions of men learned in the law and that we should trust our liberties to judicial determination.

Mr. President, there has never been a free people on this earth after it surrendered the right of trial by jury. Fundamentally the thought is that if a government becomes oppressive, despotic, cruel, inhuman, 12 men, summoned from the vicinage where the defendant resides, will not impose the cruel penalties of an unjust and unrighteous law upon him. That is the fundamental thought back of trial by jury. More than that, there was the legal wisdom which pointed out the truth that when 12 people, coming from all walks of life, pass upon a question of fact and all agree unanimously, they are much more likely to be correct in their judgment than one man, who has been trained in a single profession. Still the great thought was the preservation of the liberties of the people.

There is another right reserved to the people in the bill of rights to which I wish to refer. We do not hear it spoken of very often; but Article II of the bill of rights provides:

The right of the people to keep and bear arms shall not be infringed.

Why? Because the fathers who wrote this sacred instrument knew that the choice device of tyrants was to disarm the people and then a small standing army could overrun them and impose upon them the will of the dictator. So they provided that every man should have the right to keep and maintain arms against the day when tyranny might raise its bloody hands and free men could respond with arms in their possession.

Attacks on the Constitution! Stretch it to the utmost limit! Distort it as far as possible! Malign it! Spit upon it! What difference does the Constitution make when we have the great question of whether a duck lighting on a pond on the first day of a particular month shall be sacrosanct, or whether a rule promulgated by some politician who happens to be elevated temporarily to a position in the Cabinet has been violated, inadvertently or otherwise?

What we want in this country is more law, more legal chains, more "be it enacted" by legislative bodies, so that no man born of woman will have a single right left except to do something somebody else tells him he must do. We have gone mad on the question of law and of regulation. There are 20,000 Federal statutes and 600,000 State statutes, or something like that number—I think that is about right. On top of that we have all the rules and regulations of all the common councils of all of the States and towns and villages of the United States. On top of that we have innumerable boards and bureaus in cities, towns, villages, and States authorized to make regulations, the violation of any one of which is either a misdemeanor or a felony.

And here in Washington we create boards and bureaus just about as recklessly as a boy in the springtime buys marbles and plays "keeps" with them.

We give power to these boards and bureaus to make rules, and then we provide that anybody who violates a rule made by one of these board or bureaus may be sent to jail, and that gives to their mandates all the force of law.

I have said elsewhere, and I repeat now, that if Methusaleh were to be born, and, as soon as he was weaned, started to read the laws, rules, and regulations governing a human being in the free United States of America, by the time he was gathered to his fathers he would not be halfway through with the job of reading the regulations, and before he got that far along half of them would have been repealed, altered, or otherwise changed.

There has been sheer madness in the matter of regulation until it is not to be wondered that law has come into contempt, and when law comes into contempt it ceases to be law in the sense that a law ought to be a law. When a law comes into general contempt disobedience becomes so universal that the law serves only the purpose of an occasional venting of spite or the levying of some kind of illegal tribute.

Let no one say that I am advocating the breach of law. I am trying to advocate a condition which will bring respect for law, and it is only by respect for law that you ever obtain from the law any useful purpose or any satisfactory end.

I undertake to affirm, sir, that there is not a person in this Chamber—that there is not one in these galleries—who has not at some time in his life violated some one of the laws of the land; not one; not a minister of the gospel. If a minister owns an automobile, it is an eternal verity that at some time he has violated the speed law or parked on the wrong side of the road. If he did not own one, he has been guilty of jaywalking and violated the regulations of his city. Of course, if the minister has done it, everybody else has.

So that the spirit does not exist any longer that we ought to obey a law because it is a sacred thing, but we want to get past it, get around it, and escape it; and we look both ways to see whether there is a policeman in sight, and if he is there, we do not do the thing, and if he is not there, we do it.

The whole theory is based upon an absolutely false conception of life. No people were ever made good by any law that any man ever wrote. All the laws ever passed by all the legislative bodies of the earth have never made one man good. They may have stopped the man who was a criminal at heart from doing a particular act, and thus protected another individual, but they did not remove from the criminal's heart the evil purpose that was there.

All the laws ever passed never planted a noble impulse in a human soul. All the laws ever passed never gave the sweetness of love to a mother's kiss, never made the soul of a wife true, never made a child love the woman who had cradled it in her arms. You can not make people good by law. You can prevent them interfering with others to some extent. The great thing that sustains this civilization of ours is not the legislative acts that you gentlemen get together, not the thing called law, but it is something that was planted in our hearts by nature and nature's God, something that was cultivated at the mother's knee, that was learned by the father's side, that was enlarged in the school, that was ennobled by the great examples of history, and that has been sanctified by the prayers of the church. In nine hundred out of nine hundred and ninety-nine acts of our lives we would have done them if there had never been statute law because the other laws control.

There is no law to compel you to defend a woman if she is attacked, but if one were attacked, every man on the street would go to her rescue. He goes in response to a voice within. No law would compel you to seize a murderer and prevent his crime, yet if one were to be attempted, even the soft hands of women would be outstretched and their tender bodies would be risked in the attempt to protect one assailed.

There was no law that ever compelled a man to write a great poem, to paint a magnificent picture, to carve the dream of his soul in imperishable marble. Those laws come from within.

This attempt to regulate everything people do is based upon the idea that nobody has sense enough or decency enough to live a decent life unless some little legislator, no better than the rest of the people, writes a rule by which human beings shall live. Laws and rules and regulations are the order of the day. The world has just about gone crazy along that line, and we get so many that after a while nobody pays any attention to any of them except those which are scarcely necessary to exist, the great, common, general rules of human conduct and decency which are only necessary to protect us against the criminal element in society.

I wonder why when God Almighty made men and women He did not make them and force them into a straightjacket which compelled them to do things, why He left any volition or any liberty. If He had been of the temper and mind of the modern legislator He would have made us so that we had to do everything in a certain way. But, of course, His work can be easily supplemented by any legislative tinkerer who gets into office for 90 days.

So we have now proposed some more rules and regulations, and I want to call attention to some of them, and as I am now going to discuss a part of this bill which may be of interest, because we are down to the blue jay and the jack rabbit, I will be obliged to my friend from Washington if he will call the Senate in to listen.

(At this point Mr. DILL suggested the absence of a quorum and the roll was called, after which other business intervened.)

Mr. REED of Missouri. Mr. President, I invite the attention of the reassembled Senate to some of the provisions of the proposed bill. The first proposition is that it is proposed that the Federal Government shall assume the business of protecting the game which belongs in the various States. I still am old-fashioned enough to think that the States are capable of attending to that business for themselves.

But the provisions of the bill are, some of them, to my mind absolutely shocking. I would like to direct the serious attention of the Senate to the provisions of the bill. I know that in advance every effort has been made to pledge Senators, even before they have read the text of the bill now before us. It is another one of those bills which is being attempted to be carried through by propaganda by people who have a particular hobby in which they are interested or who have a particular axe to grind.

This bill provides, first, that every man or boy who undertakes to hunt upon any ground except the particular ground on which he resides permanently must have a license. The language is exceedingly broad. It is not required that he shall hunt and kill, but if he shall pursue or attempt to pursue any of these numerous birds, named not in this bill but in another bill, and does not have his license upon his person he is subject to the penalties of this proposed act. Such a law could easily be employed to arrest every man found with a shotgun or rifle on his shoulder walking along the highways of the country, for Federal courts are not at all adverse to extending their power as far as it will go, and the hired sneaks and snoopers that the Government employs are always willing to exercise their power for the purpose of the enforcement of the law or blackmail because of the provisions of the law. Wherever they have power, almost without exception, we find that to be the case.

Under this bill, if it shall be enacted into law, every boy in the country and every man who has a gun and pursues any of these sacred birds—and the schedule embraces practically the entire feathered tribe—may be fined and imprisoned. He may not be within a thousand miles of a game preserve; there may not be a game preserve within his State or within any reasonable traveling distance; he may be trying to hunt in strict accordance with the laws of his own State; and yet he may be arrested, first, because he has not a license, and, second, because he has violated a rule and regulation prescribed by one man out of 120,000,000 people of the United States.

So far as I am concerned, I never intend to vote for another law that will make it a crime for a citizen of the United States to violate the ipse dixit laid down by a single individual who is possessed of no legislative authority. It is contrary to every principle of Anglo-Saxon liberty and is violative of the fundamental principles of our law.

The laws of the land ought to be enacted in the legislative bodies of the land. The people are authorized to elect men for the express purpose of enacting laws. They have provided for two houses in all the legislative bodies, I believe, of the United States, to the end that there may be deliberation, that there may be counsel. Then, before any law is enacted, it must be further sanctioned by the executive authority. That is the way we pass laws, and that is the way we ought to pass every kind of rule or regulation which affects the liberty of the citizen but this bill proposes to confer upon a single individual—it may be upon an Albert B. Fall; it may be upon a Will Hays; it may be upon a Denby; it may be upon a Daugherty—who happens to have been appointed to the position of Secretary of Agriculture, the right to lay down rules and regulations, apparently without any regard to limitation, just to make any kind of a rule or regulation he wants to, and anybody who violates that rule and regulation may be fined and imprisoned, or both. That kind of thing does not belong beneath the American flag. It is, in substance and effect, an abdication of the legislative



authority by transferring it from the legislative body to a single individual.

The rules promulgated may be unreasonable; they may be of such character as would never be adopted by the Congress; they may be utterly obnoxious to our judgment, but we turn over to him the right to make any rule he wants to make.

Mr. BLACK. Mr. President, will the Senator from Missouri yield to me there merely for a suggestion?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. I do.

Mr. BLACK. In reference to the matter of rules and regulations, it is so apropos that I desire to call the Senator's attention to this instance. During the World War we had a food administration and a sugar administrator. Certain regulations were prescribed by the sugar administrator. There was a lawsuit down in Alabama, and I sent to Washington to obtain the regulations that I might know what was the law. We tried the case in the lower court on the regulations which were sent to me, which, as we supposed, constituted the law. We took the case up to the Supreme Court of Alabama, and I won the case on the regulations which had been sent me from the department. After the case had been won, however, the attorney for the other side came to Washington, searched through the records here, went to New York and searched through the records there, and he found another regulation prescribed by the sugar administrator. He brought that regulation back. It went to the Supreme Court of Alabama, and the court held that the second regulation was really the regulation which should have been utilized all the time, and not as yet have we ever been able to find all the regulations that were issued by the sugar administrator.

Mr. REED of Missouri. They used to change the sugar regulations according to the fluctuations of the market. What the Senator from Alabama has stated affords an illustration of how these powers may be used and how they may be abused. We never authorized anybody to fix the maximum price of wheat in this country, but we authorized the fixing of a minimum price, which the Government guaranteed. We did give a certain distinguished gentleman from abroad the right to license grain dealers, and he thereupon licensed them and told them if they paid a penny more than that minimum price he would cancel their licenses and destroy their business. So he fixed the price of wheat for all the farmers of the United States. He simply used the power of license granted for one purpose in order to fix the maximum price of wheat, which he never was authorized to fix.

The same thing was done with reference to many other farm products. When we grant these powers, understand, they not only will be used, but in nine hundred and ninety-nine cases out of every thousand they will be abused.

Who will be Secretary of Agriculture nobody knows. Some of us know who happens to occupy that office just now. He is not a bad man at all. I do not know, though, whether he could tell the technical difference between a blue jay and a crow, or whether he knows anything about the habits of migratory birds. I do not know that he has the slightest knowledge with reference to the subject matter that is to be consigned to his keeping; but if he does, if he knows every note from the song of a lark to the call of a black crow, we do not know what the next man will know who will become Secretary of Agriculture. Judging from the kind of thing our Presidents have been doing lately, we are likely to get almost any kind of a man there, and not only there but in any other Cabinet position. Such positions are transitory. Those who hold them are not only liable to be removed by death, by the act of God, but they are liable to be removed by an indignant public opinion expressed through the Senate. We propose to turn over to this unknown man of the future, with unknown leanings, with unknown environment, with unknown knowledge, the liberties of our people; the right to make rules and regulations which, if violated by any one of the free people of the United States, may subject that individual to a term in jail. The next individual may be as wise as Solomon, or his ignorance may be as abysmal as the vast spaces of the universe.

We call ourselves constitutional legislators; and after a while the Senators who have pledged their votes in advance will come in and vote on this bill without knowing anything about it. We have been passing a law against lobbyists down here. We ought to pass a law to send a Senator to jail who will pledge his support to a bill until after he has studied it, and knows what is in it, and has maturely made up his mind.

Mr. HEFLIN. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. Yes.

Mr. HEFLIN. Suppose a farmer's boy is hunting birds on his own land, and he pursues those birds over his neighbor's land, which is agreeable to his neighbor, and this boy has not got this license. Would he be subject to arrest and fine?

Mr. REED of Missouri. Unquestionably; and not only that, but if he attempts to do it, if he attempts to pursue it, whatever that may mean. If he chases the bird to the line fence, it might be construed that he was attempting to pursue it after it had reached, in its flight, a position over the adjoining farm. I am serious about that. I can readily see why at least he could be haled to court and told that he would be punished if he did not compromise and pay in some money, as this bill contemplates—a sort of a blackmailing proposition contained in the bill itself.

Mr. HEFLIN. And I understand that the bill provides that they can take his gun, too.

Mr. REED of Missouri. Oh, yes; they take everything. That is the reason why so many of these gentlemen are supplied with automobiles and firearms to-day.

Mr. President, I should like to continue my remarks tomorrow. I am a little bit tired.

Mr. CURTIS. Mr. President, will the Senator yield for an executive session?

Mr. REED of Missouri. Yes, sir.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

#### RECESS

Mr. CURTIS. I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 21, 1928, at 12 o'clock meridian.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate March 20, 1928*

#### APPOINTMENTS, BY PROMOTION, IN THE ARMY

##### To be colonel

George Edwards Goodrich.

##### To be lieutenant colonel

Pelham Davis Glassford.

##### To be majors

Charles Andrew Willoughby.

George Stanley Clarke.

Fred McIvor Logan.

##### To be captains

Mark Andrew Devine, jr.

Edwin Eugene Aldrin.

Harold Paul Stewart.

Darrow Menoher.

##### To be first lieutenants

Carl Douglas Silverthorne.

Louis William Haskell.

David Myron Schlatter.

Charles Trovilla Myers.

Alden Rudyard Crawford.

Rochester Flower McEldowney.

Thomas Merritt Lowe.

Kevin O'Shea.

#### MEDICAL CORPS

##### To be captain

Emery Ernest Alling.

#### MEDICAL ADMINISTRATIVE CORPS

##### To be captain

Willard Mortimer Barton.

#### APPOINTMENTS, BY TRANSFER, IN THE ARMY

##### INFANTRY

##### To be major

George Veazey Strong.

##### AIR CORPS

##### To be second lieutenant

Demas Thurlow Crow.

## POSTMASTERS

## CALIFORNIA

William M. Laidlaw, Crockett.  
Ross C. Odell, Tulare.

## DELAWARE

James M. Montgomery, Edge Moor.

## MARYLAND

Harry A. Carroll, Havre de Grace.

## MASSACHUSETTS

Raymond H. Gould, Millers Falls.

## MINNESOTA

Paul B. Sanderson, Baudette.  
Edith B. Triplett, Floodwood.  
Arthur W. Austin, Glencoe.  
Lewis H. Merrill, Hutchinson.  
David C. McKenzie, Lake City.  
Laura E. Cronan, Rose Creek.  
Selma O. Hoff, St. Hilaire.  
Alfred Gronner, Underwood.

## MISSOURI

Lawrence J. Caster, Blythedale.  
Walter L. Hert, California.  
John S. McCrory, Linn Creek.

## NEW HAMPSHIRE

Alice L. Coughlin, West Ossipee.

## NEW JERSEY

Laura B. Van Slyke, Avenel.  
Byron M. Prugh, Westfield.

## NEW YORK

Peter R. Carmichael, Caledonia.  
Carl Gardner, Groveland.  
Sidney S. Benham, Millbrook.  
Harry C. Holcomb, Portville.  
Clayton J. Bannister, Westfield.

## OHIO

Frank A. Brown, Batavia.  
Charles H. Morrison, Hebron.  
William E. Whitcomb, Perrysville.

## PENNSYLVANIA

Ida E. Megargel, Canadensis.

## HOUSE OF REPRESENTATIVES

TUESDAY, March 20, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, who art in heaven, our lives are composed of just every days, and we need the presence of Him who lights dull eyes and makes tired hands strong. We pause, we listen: Be still and know that I am God. Awaken in us a desire to return to this art of silent meditation, quietly seeking the imprint of Thy hand in life. Thy hand is seen in the story of the world's development, in the rise and fall of empires, and is a very real presence in human experience. O give us counsel that we may be men who fear God and keep His commandments. Deepen our respect for truth, for honor, for our neighbor's good name, and for all agencies that transform earth's dishonor into heaven's glory. Set our wills upon a firm throne, so that we may go forward with a fixed purpose. Then nothing shall be done by impulse, but all things shall be done according to the best rule of wisdom. In the name of Jesus our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

## LEAVE TO ADDRESS THE HOUSE

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the reading of the Journal and the disposition of business on the Speaker's desk, I be permitted to address the House for 15 minutes.

Mr. CHINDBLOM. Upon what subject?

Mr. HOLADAY. On the agricultural situation and certain matters bearing on that.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal and

the disposition of matters on the Speaker's table, I be permitted to address the House for five minutes.

Mr. CHINDBLOM. On what subject?

Mr. GRIFFIN. On the subject of the S-4.

The SPEAKER. Is there objection?

There was no objection.

## ORDER OF BUSINESS

Mr. DENISON rose.

The SPEAKER. Before the gentleman from Illinois proceeds, the Chair desires to know if he expects to take up very much time. The Chair is loath to recognize anybody, even for a unanimous-consent request, on Calendar Wednesday, if the matter is apt to consume any time.

Mr. DENISON. Mr. Speaker, I rise merely to ask that certain bridge bills sent over from the House, with Senate amendments thereon, be sent to conference.

The SPEAKER. The Chair recognizes the gentleman from Illinois.

## BRIDGE ACROSS TENNESSEE RIVER, MARION COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn., with Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "cost of the bridge and its" and insert "cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges and their."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Chair appointed the following conferees: Mr. PARKER, Mr. DENISON, and Mr. RAYBURN.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arkansas [Mr. PARKS] be substituted in my place as one of the conferees. He is on the bridge subcommittee.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Arkansas [Mr. PARKS] be substituted for him as a conferee. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I notice the gentleman from Illinois has several bills which he wishes acted upon in this manner. May we not have them reported one at a time?

The SPEAKER. The Chair thinks that we ought to act on each bill separately.

Mr. BLANTON. Is not the gentleman's committee going to function to-day, Calendar Wednesday, and could they not call them up as a matter of right?

Mr. DENISON. These are bills that have been messaged over from the Senate.

Mr. BLANTON. Very well.

## BRIDGE ACROSS TENNESSEE RIVER, KNOX COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Marysville road, in Knox County, Tenn., with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The Clerk reported the Senate amendment, as follows:

Page 2, line 10, strike out "cost of the bridge and its" and insert "cost of the bonds authorized under the law of the State of Tennessee for the construction of this bridge and other bridges and their."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to obtain some information as to why the Senate amendments are not proper?

Mr. DENISON. Because we think they are not proper. We think the phraseology should not be so changed.

Mr. SCHAFER. Is it not a fact that with the Senate amendments incorporated it would reduce the amount of bonds which could be issued?

Mr. DENISON. No; that is not the fact.

Mr. SCHAFER. What is the fact?

Mr. DENISON. The fact is that the Senate amendments are not in the exact form necessary to make it harmonize with the



laws of the State of Tennessee. It is merely a change in the phraseology that is being used.

Mr. SCHAFER. It is just a mere change of phraseology and it does not have any effect on the provisions of the bill?

Mr. DENISON. Not at all.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, to disagree to the Senate amendments and ask for a conference?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

#### BRIDGE ACROSS THE TENNESSEE RIVER, TENN.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 9198, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois, to disagree to the Senate amendments and ask for a conference?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

#### BRIDGE ACROSS THE CUMBERLAND RIVER, TENN.

The SPEAKER. The gentleman from Illinois also asks unanimous consent to take from the Speaker's table the bill H. R. 9199, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Illinois asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

#### BRIDGE ACROSS THE TENNESSEE RIVER, TENN.

The SPEAKER. The gentleman from Illinois also asks unanimous consent to take from the Speaker's table the bill H. R. 9197, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Illinois asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

#### BRIDGE ACROSS CHESAPEAKE BAY

Mr. DENISON. Mr. Speaker, I call up Senate bill 1498. The Senate has disagreed to certain amendments of the House and asked for a conference. I ask that the request be agreed to.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

The SPEAKER. The gentleman from Illinois asks unanimous consent to agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment the bill H. R. 5500, an act to establish a national military park at the battle field of Fort Donelson, Tenn.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 3) entitled "An act for the relief of Kate Mathews."

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1094. An act to amend the practice and procedure in Federal courts, and for other purposes; and

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.

The message also announced that the Senate had passed with an amendment the following bill, in which the concurrence of the House was requested:

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.

The message further announced that, in accordance with Senate Concurrent Resolution 12, the Vice President appointed Mr. SMOOT, Mr. KEYES, Mr. SACKETT, Mr. HARRIS, and Mr. GEORGE as the members on the part of the Senate of the joint committee to represent the Congress at the unveiling of the Stone Mountain Monument at Atlanta, Ga., on April 9, 1928.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was presented to the House of Representatives by Mr. Hess, one of his secretaries.

#### CALL OF COMMITTEES

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Interstate and Foreign Commerce.

#### RETIRED COMMISSIONED OFFICERS OF THE COAST GUARD

Mr. PARKER. Mr. Speaker, by direction of the committee, I call up bill H. R. 10540.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10540) to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. GARNER of Texas. What is this bill?

The SPEAKER. The Clerk, without objection, will again report the bill by title.

The title was again read.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GARRETT of Tennessee. I object.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. HOOPER] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10540, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10540, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That all retired commissioned officers of the Coast Guard who served on active duty in the United States Navy or in the Coast Guard during the World War shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay and pay periods; but no person shall be entitled to receive any back pay or allowances by reason of the enactment of this act.

The CHAIRMAN. Under the rules of the House the gentleman from New York [Mr. PARKER] will be recognized for one hour, and the gentleman from Texas [Mr. RAYBURN] will be recognized for one hour.

Mr. PARKER. Mr. Chairman, I yield as much time as he desires to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman and members of the committee, I do not believe it is necessary to take more than a few moments upon this bill, which is fully explained in the report. I think I can state in a very few words all that is involved in this measure.

Under the law, in case of war the Coast Guard Service, as you know, passes over and becomes a part of the Navy. That was true during the World War. Owing to the need of officers there were many retired officers who were called back into the service during the period of the World War. Among these were 15 retired officers of the Coast Guard Service who were called back into active duty. Under a ruling of the Comptroller General it is impossible for these retired officers of the Coast Guard to figure, in determining the amount of their pay as retired officers, the period of time which they served on active duty during the World War. The only purpose of this measure is to permit the time when these retired officers served in active duty during the World War to be figured in determining their retired pay.

I may say there are only four retired officers who will be affected by this legislation. Under the law, retired officers of the Army, the Navy, and the Marine Corps, under like circumstances, are permitted to figure the time that they served during the war in determining their retired pay. Obviously it is illogical to figure the time which a man serves in peace times in determining his retired pay and refuse to permit him to figure the time when he served in active service during war in determining his retired pay.

So far as I know there has been no argument advanced against this legislation. It is earnestly indorsed by the department, has the recommendation of the Budget Bureau, involves a very small item of expense, and unless some one desires to ask some question about it I do not think it is necessary for me to use any more time.

Mr. THATCHER. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. THATCHER. How many officers are involved?

Mr. HOCH. There are just four officers involved in this legislation. There were 15 retired officers of the Coast Guard who were called back into service, but only 4 of them will be involved. The others did not serve a period of time which under the method of accounting would mean anything to them as far as this legislation is concerned.

Mr. THATCHER. Of what rank are these officers?

Mr. HOCH. I will give the gentleman the exact information, if he desires it, with reference to the four officers involved. The four officers involved are Lieut. Commander C. W. Cairnes, Lieut. W. L. Maxwell, Lieut. H. O. Slayton, and Lieut. B. A. Minor.

Mr. THATCHER. I will say that I am thoroughly in sympathy with the legislation.

Mr. HUDSON. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. HUDSON. I notice from the report that in one of the communications from the Secretary of the Treasury it is stated there will be five officers affected by this legislation and then later four.

Mr. HOCH. When this legislation was first proposed, something over a year ago, there were five officers involved, but one of them has since died.

Mr. HUDSON. And if we delay it further we may get rid of all of them.

Mr. HOCH. Yes. Delay means simply continuing the injustice.

Mr. RAYBURN. Mr. Chairman, I do not claim the time on account of being opposed to the bill, and if any member of the committee who is opposed to the bill desires time, I shall be glad to yield it to him. If not, I wish to say a few words about the bill.

I do not oppose this bill, but I am in favor of it. The officers who are to be taken care of in this legislation are to be put on the same footing as retired officers of the Navy and of the Marine Corps who were called into active duty during the World War. It is an oversight and it should be looked after at this time. This bill does that.

Let me say this: These men in the Coast Guard who were retired before the World War began were in all probability members of either of those grand old services, the Life Saving Service or the Revenue Cutter Service. As Members of the House will remember, the Life Saving Service and the Revenue Cutter Service were done away with and they were brought together in the Coast Guard Service. The Coast Guard is an arm of the Navy during war. The Navy is called into active

duty only during hostilities, and at other times they have only perfunctory duties to perform, but during every storm, every freeze, every shipwreck, and every disaster on any coast of the country the Coast Guard is called into active service. It is one service in the Government which stands out as being a clean, upright service which should command the respect and the support of every American citizen. [Applause.]

The Clerk read the bill for amendment.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10540, had directed him to report the same back with the recommendation that the bill do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### UNITED STATES COAST GUARD

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter retired officers and enlisted men of the United States Coast Guard shall be entitled to medical treatment at marine hospitals and out-patient offices of the Public Health Service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CHICAGO & WESTERN INDIANA RAILROAD CO.

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 7191) to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce be, and he is hereby, authorized to convey by the usual quitclaim deed to the Chicago & Western Indiana Railroad Co., a corporation organized and existing under the laws of the State of Illinois, its successors or assigns, the present site of the master-track scale and test-car depot of the Bureau of Standards, Department of Commerce, in the clearing yard of the Belt Railway Co., of Chicago, more particularly described as follows:

"A tract of land in the northeast quarter of the southeast quarter of section 20, township 38 north, range 13 east of the third principal meridian, Cook County, Ill., bounded and described as follows:

"Beginning at a point 707.46 feet south of, measured at right angles to the east and west center line of said section 20, from a point therein 970.08 feet west of the northeast corner of said northeast quarter of the southeast quarter; measured along said east and west center line, thence southeasterly a distance of 94 feet to a point 734.22 feet south of said east and west center line, measured at right angles thereto from a point therein 879.97 feet west of said northeast corner, measured along said east and west center line, thence at right angles to last-described course southwesterly a distance of 42 feet, thence northwesterly 42 feet from and parallel to first-described course a distance of 94 feet, thence northeasterly 94 feet from and parallel to second-described course, a distance of 23 feet, thence northwesterly 19 feet southwesterly from and parallel to first-described course, extended a distance of 50 feet, thence at right angles to last-described course, northeasterly 10 feet, thence southeasterly 9 feet southwesterly from and parallel to first-described course extended 50 feet, thence at right angles northeasterly to point of beginning, containing 4,448 square feet or one-tenth acre, more or less": *Provided, however,* That the above-described lands shall be conveyed to the Chicago & Western Indiana Railroad Co., its successors or assigns, only in the event (1) that the United States, for reasons of its own, shall discontinue or abandon the use of the land for the purpose of a master-track scale and test-car depot, or (2) that the above-described property shall, in the opinion of



the Belt Railway Co., of Chicago, become necessary for its own purposes, in which event the said Belt Railway Co., of Chicago, shall furnish to the United States of America, Department of Commerce, in lieu thereof, a suitable site elsewhere, the location thereof to be mutually agreed upon by the said Belt Railway Co., of Chicago, and the Bureau of Standards, Department of Commerce; and the Belt Railway Co., of Chicago, shall then, at its own sole cost and expense, erect upon the site so chosen a building and a foundation for the master-track scale equivalent to the master-track scale and test-car depot and foundation for the said master-track scale erected upon the above-described property, and shall move to said new building and install therein the master-track scale and all machinery appurtenant thereto, and shall deliver or cause to be delivered a deed conveying such land and building in fee simple to the United States of America, Department of Commerce, without cost to the United States, together with evidence of title to said land satisfactory to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### FEDERAL POWER COMMISSION

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and for other purposes.

Mr. RAYBURN. Will the gentleman withhold that until I may make a statement of about two minutes?

Mr. PARKER. Certainly.

Mr. RAYBURN. Mr. Speaker, the question of consideration is going to be raised on this bill, and before it is raised, inasmuch as the question is not debatable, I have made this unanimous-consent request to make a short statement as to why the question of consideration is going to be raised.

This is a bill of very great importance. It is a measure that affects the functions and the duties of the Power Commission. The question of whether or not Congress had the power to delegate the authority that it did in the Power Commission act has been a mooted question ever since the law was enacted. It has never gotten up to a court of competent jurisdiction to pass upon it. This is one question involved, and is one reason we should be allowed to take some time to study the question.

This bill was a controversial bill in the committee. Many of us oppose its passage. In the first place, this bill was reported—

Mr. MAPES. Mr. Speaker, a point of order.

Mr. RAYBURN. I am speaking under unanimous consent.

Mr. MAPES. The gentleman said he was going to proceed under unanimous consent, but no request was submitted.

The SPEAKER. The gentleman stated he desired to proceed for two or three minutes by unanimous consent.

Mr. MAPES. Has the Chair put the question?

The SPEAKER. The gentleman, of course, is speaking by unanimous consent.

Mr. RAYBURN. Mr. Speaker, I am now speaking under a unanimous-consent request of the House and the gentleman from Michigan is out of order.

Mr. MAPES. I beg the gentleman's pardon. The gentleman from Michigan was paying very strict attention, and the gentleman from Texas rose and said he was going to proceed to talk by unanimous consent, and started in to talk without having the request put.

The SPEAKER. Is there objection to the gentleman from Texas proceeding for two minutes under unanimous consent?

Mr. MAPES. Mr. Speaker, I have no objection to the gentleman from Texas proceeding if the unanimous-consent request is put; but I think those who are in favor of the legislation should be allowed to make a statement of equal length, if the gentleman is going to raise the question of consideration of the legislation.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. SCHAFER. Reserving the right to object, I would like to find out the number of the bill.

Mr. RAYBURN. H. R. 8141.

Mr. MAPES. Mr. Speaker, reserving the right to object, I would like to couple with the request that the gentleman from Minnesota [Mr. NEWTON] be allowed to proceed for five minutes at the expiration of the time of the gentleman from Texas.

The SPEAKER. The gentleman from Michigan asks unanimous consent that following the remarks of the gentleman from Texas [Mr. RAYBURN], the gentleman from Minnesota [Mr. NEWTON] may proceed for five minutes. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, as I was saying when interrupted, this bill was reported from the committee only Saturday. The report accompanying the bill was not available until after

the House went into session to-day. This bill was reported without a hearing, except Mr. Merrill came up in executive session and made a short statement with reference to the bill. Therefore we have no record with reference to it.

This question of water power and the power and authority that Congress is justified in granting under the Constitution has never been settled. This bill ought not to come up to-day. It is hardly just to the Members of the House for a bill that has in it as far-reaching consequences as this to be taken up on such short notice. If the bill is brought to the floor of the House to-day, we are going to have an opportunity to test whether we believe what we have been saying. On both sides of this Chamber every week of the year gentlemen get up and talk about bureaus and commissions in Washington. They are opposed to bureaus and commissions in Washington as they are in favor of State rights, neither one of which is usually given any apparent consideration when the time comes for the creation of a new commission extending the power of existing conditions or the subject has in it the old doctrine of State rights.

This bill provides not that this commission shall draw its help, clerical and otherwise, from the three departments—War, Interior, and Agriculture—but it provides in the very body of the bill that this commission shall go outside of the Departments of War, Interior, and Agriculture and bring into the service of the Government whatever help it deems to be necessary to carry on the work.

Gentlemen who are in favor of the bill say that the Appropriations Committee will always have the power to limit the number of experts, engineers, and clerical help that will be brought in. But suppose they are allowed to go on and build up an organization and then come before the Committee on Appropriations and plead, as this report from the department does, for more men, that he has applications running into millions and millions of dollars piled up on his desk, seeking an outlet through the building of power plants, dams, and aids to navigation. You can see how easy it is under the very terms of this bill to build up a bureau as big as the Federal Trade Commission, as big as the Tariff Commission, yes, even as big as the powerful Interstate Commerce Commission itself.

Mr. SCHAFER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SCHAFER. Did I understand the gentleman correctly to say that the committee had held no hearings on this bill?

Mr. RAYBURN. No public hearings. They had Mr. Merrill before them in executive session. He made a short statement which to me was very unsatisfactory.

Mr. PARKER. If the gentleman will permit, I have in my hand the printed hearings on the bill.

Mr. RAYBURN. When did they take place?

Mr. PARKER. Last Saturday.

Mr. RAYBURN. I beg the gentleman's pardon, there was a stenographer in the room, but that does not change the case. It was on last Friday and the bill was reported Saturday. The report did not come in here until the House met this morning and the membership has had no opportunity to acquaint themselves with the provisions of the bill. The bill is of far-reaching importance and the Members of the House ought not to be called upon to consider this bill to-day.

Mr. NEWTON. Mr. Speaker, I yield to the gentleman from New York.

Mr. PARKER. The gentleman from Texas has stated the matter absolutely correctly. The committee met on Friday and we had hearings on the bill, which are printed. A stenographer was present, and the bill was reported out on a roll call on Saturday. As far as the merits of the bill are concerned, we can discuss those when the bill is before the House.

Mr. McDUFFIE. When were the hearings printed, and when were they available?

Mr. PARKER. This morning.

Mr. McDUFFIE. We could not get a copy of the bill nor the report until this morning after the House met. We have had no opportunity to examine the provisions of the bill.

Mr. EDWARDS. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. EDWARDS. Does this bill do anything more than to assign employees to the Power Commission?

Mr. PARKER. Yes; a part of the money obtained from licenses that now goes into a separate fund will, under this bill or an amendment we will offer, go into the Federal Treasury.

Mr. ABERNETHY. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. ABERNETHY. According to my calendar this is Tuesday, but according to the gentleman's calendar it is Wednesday. How did this bill come up?

Mr. PARKER. By unanimous consent on yesterday.

Mr. ABERNETHY. At what time?

Mr. PARKER. Immediately after the reading of the Journal at the request of the majority leader, Mr. TILSON.

Mr. ABERNETHY. So to-day is Calendar Wednesday, legislatively speaking?

Mr. PARKER. Yes.

Mr. NEWTON. Mr. Speaker, there has been no undue haste in this matter. This matter has been before Congress for two or three years. The bill was introduced by the gentleman from Ohio [Mr. BURTON] in the fore part of the session. It passed the Senate in the last Congress in the identical language in which Mr. BURTON introduced it in this Congress. So far as I can recall there was no substantial objection made against it.

What does it do? It makes possible the bringing to the Federal Power Commission, a great governmental agency, the transfer of men from other departments of the Government, instead of their mere temporary detail. The comptroller has prevented that. In addition to that, it also makes possible when necessary the employment of additional employees, subject, of course, to the appropriation that is available for that purpose. Those are the principal purposes and objects of the legislation.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. McDUFFIE. Under the present law can not these additional experts or help needed by this commission be now detailed from the three departments connected with this commission?

Mr. NEWTON. As a practical matter, no. They can not transfer from the departments. They can only temporarily be detailed. The only employee that the Federal Power Commission has to-day is the executive secretary of the commission. Under those circumstances the commission is working under a handicap.

Mr. McDUFFIE. But he has been getting this assistance from those departments, has he not?

Mr. NEWTON. He has been getting it, to a limited extent, and in such a way that he is handicapped in carrying on the regulatory provisions of the Federal water power act.

Mr. McDUFFIE. Will the gentleman explain to us wherein he is so handicapped?

Mr. NEWTON. I have tried to explain that. In order to get help he must get it by temporary detail or assignment from the Departments of War, Agriculture, and the Interior. It comes out of the help that is there, and, of course, out of their appropriations. Under those circumstances, as a practical matter, the gentleman can appreciate how difficult it is for the Federal Power Commission to operate when, instead of going directly to the Budget, it must get its help from these departments. These men come on temporary detail. They are paid from departmental appropriations.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I raise the question of consideration on this bill.

The SPEAKER. The Chair thinks the gentleman can not raise that question in the House on Calendar Wednesday. Under the rule, in the consideration of a bill on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the question of consideration can be raised on Calendar Wednesday only in Committee of the Whole.

Mr. GARRETT of Tennessee. Very well; I shall raise it in committee.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill, and the gentleman from Michigan [Mr. HOOPER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and for other purposes, with Mr. HOOPER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter the Federal Power Commission may request the President of the United States to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, their duties to be prescribed by the commission; and such detail is hereby authorized, as well as the detail, assignment, or transfer to the commission of any other persons in or under the Departments of War, Interior, and Agriculture who are engaged in duties which are conferred upon the commission by the Federal water power act. In the performance of the duties imposed upon it by the Federal water power act, as hereby or hereafter amended, the commission shall utilize, in so far as practicable, the facilities and per-

sonnel of the Departments of War, Interior, and Agriculture, and said departments are hereby authorized to utilize their facilities and personnel, civil and military, for said purposes, and to employ, subject to the civil service laws, additional personnel therefor when necessary. The commission is also authorized to employ, subject to the civil service laws, for such purposes in the District of Columbia and elsewhere such expert, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto. All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding \$6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose. In order to defray the expenses made necessary in the performance of the duties placed upon the commission and upon other Government departments or agencies under the Federal water power act, as hereby or hereafter amended, all charges collected from licenses under said act on and after January 1, 1928, for the purpose of reimbursing the United States for the costs of administration of said act and for recompensing it for the use of Government dams and structures and lands pertaining thereto, are hereby reserved as a special fund in the Treasury to be appropriated from time to time for the purposes specified herein; and the commission is hereby authorized, to the extent that moneys are so appropriated from said fund, to cause to be transferred on the books of the Treasury from such special fund to "Miscellaneous receipts," or to permanent and indefinite or other departmental appropriations or funds, such amounts as may be required to defray salaries or expenses hereafter paid or incurred by other Government departments or agencies in the performance of work for the commission.

Mr. GARRETT of Tennessee. Mr. Chairman, before the Clerk reports the committee amendments, I raise the question of consideration.

The CHAIRMAN. The gentleman from Tennessee raises the question of consideration. The question is, Shall the committee consider the bill.

The question was taken; and the Chair having announced that he was in doubt, the committee divided, and there were—ayes 49, noes 68.

Mr. PARKER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. PARKER and Mr. GARRETT of Tennessee to act as tellers.

The committee again divided; and the tellers reported—ayes 96, noes 95.

The CHAIRMAN. So the committee decides to consider the bill. Under the rule the gentleman from New York is recognized for one hour and the gentleman from Texas for one hour.

Mr. GARRETT of Tennessee. Mr. Chairman, my recollection is that the action of the Committee of the Whole House must first be reported back to the House.

Mr. SNELL. Why should we do that?

Mr. GARRETT of Tennessee. Where the question of consideration is raised in Committee of the Whole, I think the precedent is that the action of the committee, whether it be one of rejection or determination to consider, shall be reported back to the House.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry. Is not that automatic, and does not the committee automatically rise and report the matter to the House?

Mr. GARRETT of Tennessee. That is the point that I make, if I remember the precedent correctly.

The CHAIRMAN. Will the gentleman from Tennessee call the Chair's attention to the precedent? This is a matter that has not occurred since Speaker Clark's time, the Chair is informed.

Mr. MAPES rose.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will permit, I am inclined to think, on glancing at the precedent, that it is against me.

The CHAIRMAN. The gentleman from New York [Mr. PARKER] is recognized for one hour and the gentleman from Texas [Mr. RAYBURN] for one hour.

Mr. PARKER. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. NEWTON].



The CHAIRMAN. The gentleman from Minnesota [Mr. NEWTON] is recognized for 30 minutes.

Mr. WELLER. Mr. Chairman, will the gentleman yield before he begins?

Mr. NEWTON. Yes.

Mr. GARRETT of Tennessee. Mr. Chairman, after having conceded that the precedent is against me it is with hesitation that I again raise the question of whether or not the committee should report back to the House. It is important that we have a correct ruling here. My attention has been directed to the language of the rule.

Mr. NEWTON. Mr. Chairman, I want to protect my rights in the matter. I presume the gentleman is rising to a parliamentary inquiry. I yield for that purpose. I presume that I have the floor.

The CHAIRMAN. The rights of the gentleman will be protected.

Mr. SNELL. What is the gentleman's question?

Mr. GARRETT of Tennessee. It is a question of order. I read:

The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday—

Mr. MAPES. What is the gentleman reading from?

Mr. GARRETT of Tennessee. From paragraph 875, page 398, of the Manual, which I hold in my hand. I read:

The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday, even after one Wednesday has been devoted to its consideration, and the question of consideration may be raised in the Committee of the Whole House on the state of the Union after the House has automatically resolved itself into Committee of the Whole to consider a bill on the Union Calendar, but it is for the House to approve or reject the recommendation of the committee.

In this case that recommendation is that the bill be considered. Therefore, I respectfully submit that this matter should be automatically reported back to the House, and then the House has to pass upon the recommendation of the committee.

Mr. MAPES. Mr. Chairman, I desire to make the point of order that it is too late for the gentleman to raise the question now; and if there is any doubt in the mind of the Chair about the point of order raised by the gentleman from Tennessee, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MAPES. The gentleman from Minnesota [Mr. NEWTON] has been recognized and has the floor. He yielded to the gentleman from Tennessee [Mr. GARRETT] only to ask a parliamentary inquiry. The gentleman from Minnesota can not be taken off his feet except with his own consent, and he does not consent to be taken off for any other purpose than that stated.

Mr. GARRETT of Tennessee. I do not think under the conditions that exist here that the gentleman's point of order is well taken, because, if my construction of this matter is correct, the Committee of the Whole is illegally considering the bill until the House ratifies the action of the committee in determining to consider it. The mere question of time is not involved.

The CHAIRMAN. The Chair is ready to rule.

Mr. SNELL. Mr. Chairman, has the Chair read the ruling of Mr. Speaker Clark?

The CHAIRMAN. Yes. Does the gentleman from Michigan [Mr. MAPES] desire to be heard?

Mr. MAPES. If the Chair has the ruling of Mr. Speaker Clark before him, I have no desire to be heard; but I desire to submit to the Chair that under the Calendar Wednesday rule the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar, and unless the committee decides not to consider the bill before it there is nothing for it to report back to the committee. There would not be any sense in the committee rising and reporting back to the House if it decides to go ahead and consider legislation as instructed under the rule by the House.

Mr. GARRETT of Tennessee. Will the gentleman permit an interruption?

Mr. MAPES. Yes.

Mr. GARRETT of Tennessee. Let us see where that leads to under the Calendar Wednesday rule. The Speaker while in the chair, when I endeavored to raise the question of consideration in the House, held, and I think correctly held, that I could not raise it in the House, but it had to be raised in the Committee of the Whole, and in Committee of the Whole I did raise it. Now, the Committee of the Whole, not the House, voted that it would consider the bill. That being the situation, and if the reasoning for which the gentleman from Michigan is contending is correct, the House itself has absolutely no con-

trol over the Committee of the Whole, which can proceed independently of what the House might do.

Mr. SNELL. What control would the House have?

Mr. GARRETT of Tennessee. The control under the rule. But the gentleman must bear in mind that in the case of an ordinary bill, not coming up on Calendar Wednesday, the opportunity exists of raising the question of consideration in the House, and the House can act upon it. But on Calendar Wednesday under the automatic rule the Speaker holds, and holds correctly, that the question of consideration can not be first raised in the House, but must be raised in the Committee of the Whole. Now, the point is that if you hold it can be raised in the Committee of the Whole and the committee is not required to report its action back to the House in case of its determination to consider it, then you deprive the House of the opportunity to act upon the question of consideration.

Mr. SNELL. Are we not in the same situation as when in the Committee of the Whole a point of no quorum is raised? Then there is a call of the House.

Mr. GARRETT of Tennessee. The cases are different. The question of a quorum is a mechanical thing. This is a question going to the very depths of the rights of the House. It is a question of whether the House can have its will in the consideration of a bill or whether it is in control of the Committee of the Whole, which may be only 100 Members.

Mr. DENISON. In that case one Member can compel the committee to rise and report back to the House merely by raising the question of consideration.

Mr. GARRETT of Tennessee. That may be; but that is the trouble of the rule. It is important to preserve that right, even though it may be abused at times. It is the right of the House itself to say what it will have the Committee of the Whole consider.

Mr. MAPES. Mr. Chairman, there is no provision in the rule which provides that the committee rise automatically, and, as the gentleman from Illinois has just pointed out, there is never an opportunity to have a vote in the House on a proposition coming up in the Committee of the Whole unless the committee by a majority vote takes affirmative action; that is, unless it adopts an amendment, not when it rejects one. Amendments, as the Chair well knows, introduced in the Committee of the Whole which are voted down never come before the House; the House never has an opportunity to express itself on those amendments. As the gentleman from Illinois has well stated, one man might in the Committee of the Whole, for dilatory purposes or for any purpose, raise the question of consideration on bills and have a vote in the House on the question if the contention of the gentleman from Tennessee should prevail. It would be ridiculous to have the committee automatically rise and require the House to vote upon the question of consideration under such circumstances. There is nothing in the rule to that effect. It is contrary to all common sense and it is contrary to the procedure of the House. When the House automatically resolves itself into the Committee of the Whole it instructs the committee to consider the bill and when the committee decided to go ahead and to carry out that instruction, it seems to me it is perfectly ridiculous for it to arise until it has completed the consideration of the bill. It has nothing to recommend to the House except that the bill be considered, which the House has already instructed it to do.

Mr. GARRETT of Tennessee. Mr. Chairman, let us see just what this is going to lead us into if the contention of the gentleman is sustained by the Chair. Fewer than a quorum of the Whole House have determined this question of consideration up to date. This question of consideration, under the rules of the House, is one of the well-recognized processes of legislation and one of the recognized steps toward the culmination of legislation. It is an ancient rule. The rule permitting the raising of the question of consideration began, I believe the Manual says, as far back as 1808. It has been a part of the rules of the House ever since that time and it is a part of the rules of practically every parliamentary body I know anything about.

Now, what have you? It is for the House to determine whether or not it will have consideration and not the Committee of the Whole.

As I say, I admit that under the wording of the Calendar Wednesday rule and following the precedents, the Speaker held correctly when he held I could not raise this question in the House in the first instance and sent it to the Committee of the Whole automatically to be raised there. But it having gone there and the Committee of the Whole having taken action, it must go back to the House if the House is to be regarded as the whole House, because, as I say, it was less than a

quorum of the whole House, according to the vote in the Committee of the Whole of 96 and 95, that determined this question of consideration, and if the Chair sustains the contention of the gentleman from Michigan, you are depriving the House of its opportunity of action.

Mr. CHINDBLOM. Mr. Chairman, whenever a proposition or motion comes before the House the question "Will the House now consider it?" may be raised by any Member, and thereupon action must be taken upon that question. (Rule XVI, clause 3, House Rules and Manual.)

That rule applies to Calendar Wednesday (House Manual, sec. 875). If a bill comes up on Calendar Wednesday which is on the House Calendar, the question of consideration may be immediately raised and it is determined in the House. It happens that if a bill is on the Union Calendar on Calendar Wednesday, the House automatically goes into the Committee of the Whole and then the question of consideration may be raised there, but it seems to me we should not change the general rule that the House should determine the matter of consideration eventually and finally.

It is not a good argument to say that any Member may raise that question in the Committee of the Whole. Certainly; and any Member may raise it in the House at any time on every bill that comes up for consideration in the House.

Mr. MAPES. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. MAPES. Of course, the purpose of the Calendar Wednesday rule, when it was first adopted, was to enable committees that had legislation which they thought was important and which they could not bring up on regular legislative days because steering committees or some other organization might not think it desirable legislation. If the time on Calendar Wednesday can be frittered away in any such way as the Chair is asked to interpret this procedure now, it would destroy the original purpose of Calendar Wednesday and make it entirely ineffective.

Mr. CHINDBLOM. In reply to that, I will say that if a majority of the House is not willing to take up a bill for consideration you are not frittering away the time of the committee that has the call, because the important thing to determine first is whether the House is willing to consider the legislation. If it is not, you will not have frittered away the whole day in considering the bill.

Mr. NEWTON. Mr. Chairman. I want to suggest, along the line of the argument that has been made in reference to Calendar Wednesday, that every Member of this House knows that if a committee gets two Calendar Wednesdays in a Congress it is lucky. Now, under those circumstances, it seems to me there is a real reason for the rule that the House automatically goes into the Committee of the Whole for the consideration of a bill on the Union Calendar, and that by reason of the Calendar Wednesday rule the right to pass on the question of consideration begins in the committee and ends in the committee, otherwise one whole day will be given up to a discussion of consideration and that would do away with Calendar Wednesday.

Mr. CHINDBLOM. It may be said in reply that the only time that is lost is the time of taking the vote in committee. If the bill is on the House Calendar on Calendar Wednesday, the question of consideration may be raised and it is then determined in the House. The only time lost here is the necessary time for taking a vote in the committee and going back into the House for the purpose of reporting to the House what the action of the committee has been. There is no debate on the question of consideration and there is no time lost except that lost in taking the vote, and the question of consideration must be raised before the debate has begun on the merits of the bill.

The CHAIRMAN (Mr. HOOPER). The Chair is ready to rule. The Chair realizes this is a somewhat novel question and the Chair has had no opportunity, except a very brief one, with precedents being placed in his hands that he has not had time thoroughly to digest, to consider the merits of the question. However, it seems to the Chair that the decision of Speaker Clark, found in the second volume of Cannon's Precedents, section 8084, ought to be controlling. Speaker Clark said:

Secondly, the Chair thinks that in this case the motion ought to be put to the House, which is the greater body and the controlling body, as it takes 217 to make a quorum in the House, just as the House votes on the recommendation of the Committee of the Whole House on the state of the Union when the committee reports back a bill with the recommendation that it lie on the table, or with the recommendation that the bill do not pass, or with the recommendation that the enacting clause be stricken out or that everything after the enacting clause be stricken out. The committee has the right to report any one of these recommendations.

This may be coupled with the following, found in notes to the House rules, at page 398, section 875:

The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday, even after one Wednesday has been devoted to its consideration (Speaker Cannon, 61st Cong., 3d sess., p. 294), and the question of consideration may be raised in the Committee of the Whole House on the state of the Union, after the House has automatically resolved itself into the Committee of the Whole to consider a bill on the Union Calendar, but it is for the House to approve or reject the recommendation of the committee. (Speaker Clark, April 22, 1914, p. 7100; Speaker GILLET, October 1, 1919, p. 6212.)

The question seems to be a close one and the precedents are few in number, but the Chair realizing that a precedent is being made rules that the committee should rise and report back to the House the action of the committee agreeing to the consideration of the bill.

Mr. NEWTON. Mr. Chairman, there were two points raised, and one of them was the question of the timeliness of the point of order that was made.

The CHAIRMAN. The gentleman may appeal from the ruling of the Chair if he sees fit.

Mr. NEWTON. The Chair has not ruled on that point and that is the reason I am calling it to the Chair's attention.

Mr. SINNOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SINNOTT. What was the recommendation in the ruling from which the Chair quoted? Was not the decision in that case that the House do not consider?

The CHAIRMAN. Yes.

Mr. SINNOTT. I understand so, and that would present an entirely different question.

The CHAIRMAN. The Chair feels his ruling is clear on the point, and unless an appeal is taken the committee will automatically rise and report its action back to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had before it the bill H. R. 8141, the question of consideration having been raised in the committee, the committee decided to consider the bill.

The SPEAKER. The question is, Shall the action of the committee stand as the action of the House?

Mr. GARRETT of Tennessee. Mr. Speaker, in order to save time, I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 155, not voting 105, as follows:

(Roll No. 53)

YEAS—174

Ackerman	Evans, Calif.	Ketcham	Sanders, N. Y.
Adkins	Faust	King	Seagr
Aldrich	Fenn	Knutson	Selvig
Arentz	Fish	Kopp	Shreve
Bachmann	Fitzgerald, Roy. G.	Korell	Simmons
Bacon	Fitzgerald, W. T.	Kurtz	Sinnot
Barbour	Foss	LaGuardia	Smith
Beedy	Freeman	Langley	Snell
Berger	Frothingham	Leech	Speaks
Black, N. Y.	Furlow	Lehlbach	Sprout, Ill.
Bohn	Garber	Letts	Sprout, Kans.
Bowles	Gibson	Luce	Stalker
Bowman	Gifford	McFadden	Stobbs
Brand, Ohio	Glynn	McLaughlin	Strong, Kans.
Brigham	Goodwin	McLeod	Summers, Wash.
Buckbee	Griest	MacGregor	Sweet
Burtneess	Guyer	Maas	Swing
Burton	Hadley	Madden	Taber
Butler	Hale	Manlove	Tatgenhorst
Chalmers	Hall, Ill.	Mapes	Temple
Chinblom	Hall, Ind.	Martin, Mass.	Thurston
Christopherson	Hall, N. Dak.	Menges	Tilson
Clague	Hancock	Merritt	Timberlake
Clancy	Hardy	Michener	Treadway
Cole, Iowa	Haugen	Miller	Underhill
Colton	Hersey	Moore, Ohio	Udike
Connery	Hickey	Morgan	Vestal
Connolly, Pa.	Hill, Ala.	Morin	Vincent, Mich.
Cooper, Ohio	Hoch	Murphy	Wainwright
Cral	Hoffman	Nelson, Me.	Wason
Cramton	Hogg	Newton	Watres
Crosser	Holaday	Niedringhaus	Watson
Crowther	Hooper	Parker	White, Kans.
Dallinger	Hudson	Perkins	White, Me.
Darrow	Hull, Morton D.	Porter	Williams, Ill.
Davenport	Irwin	Pratt	Williamson
Denison	Jenkins	Purnell	Winter
Dickinson, Iowa	Johnson, Ill.	Ramseyer	Wolverton
Doutrich	Johnson, Ind.	Ransley	Wood
Dyer	Johnson, S. Dak.	Reece	Wurzbach
Eaton	Johnson, Wash.	Reed, N. Y.	Wyant
England	Kahn	Robinson, Iowa	Zihlman
Englebright	Kearns	Rogers	
Estep	Kelly	Rowbottom	



## NAYS—155

Abernethy	Douglas, Ariz.	Lankford	Romjue
Allgood	Drane	Lathicum	Rutherford
Almon	Drewry	Lowrey	Sabath
Arnold	Driver	Lozier	Sanders, Tex.
Ayres	Edwards	Lyon	Sandlin
Beck, Wis.	Evans, Mont.	McClintic	Schafer
Bell	Fisher	McDuffie	Schneider
Black, Tex.	Fitzpatrick	McKeown	Sears, Fla.
Bland	Fletcher	McMillan	Shallenberger
Blanton	Fulbright	McReynolds	Sinclair
Bloom	Fulmer	Major, Ill.	Sirovich
Bowling	Gambrill	Major, Mo.	Somers, N. Y.
Box	Gardner, Ind.	Mansfield	Spearing
Boylan	Garner, Tex.	Martin, La.	Stedman
Briggs	Garrett, Tenn.	Mead	Steele
Browne	Garrett, Tex.	Milligan	Summers, Tex.
Browning	Gasque	Montague	Swank
Buchanan	Gilbert	Moore, Ky.	Tarver
Busby	Gregory	Moore, Va.	Taylor, Colo.
Byrns	Green, Fla.	Moorman	Thatcher
Canfield	Greenwood	Morehead	Underwood
Cannon	Griffin	Morrow	Vinson, Ga.
Carss	Hammer	Nelson, Wis.	Vinson, Ky.
Cartwright	Hare	Norton, Nebr.	Ware
Chapman	Hastings	Norton, N. J.	Warren
Cochran, Mo.	Hill, Wash.	O'Brien	Weaver
Cole, Md.	Howard, Nebr.	Oldfield	Weller
Collier	Howard, Okla.	Oliver, Ala.	Welsh, Pa.
Collins	Huddleston	Palmisano	Whitehead
Combs	Hudspeth	Peavey	Whittington
Cooper, Wis.	Hull, Tenn.	Peery	Williams, Mo.
Cox	Johnson, Okla.	Pou	Williams, Tex.
Crisp	Johnson, Tex.	Prall	Wilson, La.
Davey	Kading	Quin	Wilson, Miss.
Davis	Kemp	Ragon	Wingo
De Rouen	Kent	Rainey	Woodrum
Dickinson, Mo.	Kincheloe	Rankin	Wright
Dickstein	Lampert	Rayburn	Yon
Dominick	Lanham	Reed, Ark.	

## NOT VOTING—105

Allen	Connally, Tex.	Igoe	Oliver, N. Y.
Andresen	Corning	Jacobstein	Palmer
Andrew	Cullen	James	Parks
Anthony	Curry	Jeffers	Quayle
Aswell	Deal	Jones	Rathbone
Auf der Heide	Dempsey	Kendall	Reid, Ill.
Bacharach	Doughton	Kerr	Robison, Ky.
Bankhead	Douglass, Mass.	Kless	Rubey
Beck, Pa.	Dowell	Kindred	Sears, Nebr.
Beers	Doyle	Kunz	Steagall
Begg	Elliott	Kvale	Stevenson
Boles	Eslick	Larsen	Strong, Pa.
Brand, Ga.	Fort	Lea	Strother
Britten	Frear	Leatherwood	Sullivan
Bulwinkle	Free	Leavitt	Swick
Burdick	French	Lindsay	Taylor, Tenn.
Bushong	Gallivan	McSwain	Thompson
Campbell	Golder	McSweeney	Tillman
Carew	Goldsborough	Magrady	Tinkham
Carley	Graham	Michaelson	Tucker
Carter	Green, Iowa	Monast	Welch, Calif.
Casey	Harrison	Mooney	White, Colo.
Celler	Hawley	Moore, N. J.	Woodruff
Chase	Hope	Nelson, Mo.	Yates
Clarke	Houston, Del.	O'Connell	
Cochran, Pa.	Hughes	O'Connor, La.	
Cohen	Hull, Wm. E.	O'Connor, N. Y.	

So the House decided to sustain the action of the committee. The following pairs were announced.

Mr. French (yea) with Mr. Bankhead (nay).  
Mr. Begg (yea) with Mr. Frear (nay).

## General pairs:

Mr. Free with Mr. Gallivan.  
Mr. Dowell with Mr. Kindred.  
Mr. Beers with Mr. Tillman.  
Mr. Magrady with Mr. Carew.  
Mr. Palmer with Mr. Brand of Georgia.  
Mr. Elliott with Mr. Mooney.  
Mr. Bacharach with Mr. O'Connell.  
Mr. Campbell with Mr. Connally of Texas.  
Mr. Green of Iowa with Mr. Parks.  
Mr. Gates with Mr. Deal.  
Mr. Thompson with Mr. Quayle.  
Mr. Reid of Illinois with Mr. Rubey.  
Mr. Leavitt with Mr. Doughton.  
Mr. Kiess with Mr. Cullen.  
Mr. Rathbone with Mr. Stevenson.  
Mr. Anthony with Mr. Doyle.  
Mr. Beck of Pennsylvania with Mr. Corning.  
Mr. Clark with Mr. O'Connor of Louisiana.  
Mr. Strong of Pennsylvania with Mr. Igoe.  
Mr. Dempsey with Mr. Jones.  
Mr. Taylor of Tennessee with Mr. Kvale.  
Mr. Fort with Mr. White of Colorado.  
Mr. Golder with Mr. Eslick.  
Mr. Hawley with Mr. Carley.  
Mr. Graham with Mr. Aswell.  
Mr. Hughes with Mr. Tucker.  
Mr. James with Mr. Sullivan.  
Mr. Kendall with Mr. Oliver of New York.  
Mr. Michaelson with Mr. Steagall.  
Mr. Robison of Kentucky with Mr. O'Connor of New York.  
Mr. Strother with Mr. Nelson of Missouri.  
Mr. Swick with Mr. McSwain.  
Mr. Tinkham with Mr. Lindsay.  
Mr. Welch of California with Mr. Moore of New Jersey.  
Mr. Hope with Mr. Lea.  
Mr. Curry with Mr. McSweeney.  
Mr. Chase with Mr. Bulwinkle.  
Mr. Sears of Nebraska with Mr. Casey.

Mr. Burdick with Mr. Goldsborough.  
Mr. Carter with Mr. Celler.  
Mr. Cochran of Pennsylvania with Mr. Harrison.  
Mr. Leatherwood with Mr. Auf der Heide.  
Mr. Woodruff with Mr. Cohen.  
Mr. Britten with Mr. Douglass of Massachusetts.  
Mr. Andresen with Mr. Jeffers.  
Mr. Monast with Mr. Kerr.  
Mr. Bushong with Mr. Jacobstein.  
Mr. Houston of Delaware with Mr. Kunz.  
Mr. Andrew with Mr. Larsen.

Mr. BRAND of Georgia. Mr. Speaker, I desire to vote "no." The SPEAKER. Was the gentleman in the House listening when his name should have been called?

Mr. BRAND of Georgia. I do not think I was here when my name was called, but I came directly from my office.

The SPEAKER. The gentleman does not qualify.

Mr. HAWLEY. Mr. Speaker, I would like to vote "aye," but I was not in the House.

The result of the vote was announced as above recorded.

The House automatically resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOOPER in the chair.

Mr. PARKER. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman—

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. I will yield for a question.

Mr. WELLER. Will the gentleman from Minnesota point out what differences there are between the existing law and this proposed measure?

Mr. NEWTON. I shall be glad to.

Mr. Chairman, there is nothing unusual about this bill, whose consideration has been questioned in a rather unusual way. It is merely a measure that has been recommended by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War, who constitute the Federal Power Commission.

The bill was recommended by them in the last Congress. It passed the Senate in the last Congress and came over here so late that it failed to receive consideration in the House. The bill is merely in effect to permit the commission to add to its personnel in two ways. First, it gives them additional power in acquiring personnel from the Department of Agriculture, Department of the Interior, and the War Department. They have that power at the present time, but this adds to the power in that the details are not only temporary details and assignments but are transfers. Under the ruling of the Comptroller General made shortly after the water power bill became a law, no transfer was permissible. At the present time there is only one employee of the Federal Power Commission, and that is the secretary, Mr. Merrill. All the rest of the help that are acquired have to be temporarily detailed from the three executive departments.

When the water power act was passed Congress contemplated a development of the water-power resources of the country. That was the purpose and object of the legislation; that was the reason the joint committee spent months in considering it—and the result was the Federal Power Commission act.

Not only that, but they wanted to make possible a more rapid development of the use of the water-power resources; they wanted the development to go along so the rights of the public and the public interests would be promoted.

In order to do that they created the Federal Power Commission consisting of the three heads of the departments, the only employee being the executive secretary, and the other employees being obtained from the three departments. They have been doing their work, but as the work has progressed they have issued licenses for power sites, but it became perfectly apparent that they needed additional help; and they needed help that could function more effectively. The regulatory features of the water power act have been those that have received the least consideration, and that is what has led me to interest myself in the bringing to the consideration of this House the bill that is now before us. They have issued 290 licenses. There has not been any considerable delay in the issuance of licenses for power sites, but there has been very little work done in the regulating of rates and charges, the fixing of values, and the use of the regulatory power that the Federal Power Commission has in that respect.

Mr. McDUFFIE. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. McDUFFIE. In fixing the amount of capital invested does the commission undertake to do that in cases where the State authorities do it?

Mr. NEWTON. Unless there is no State regulatory body and unless it is an interstate transaction.

Mr. McDUFFIE. Is it not a fact that nearly every State in the Union has a regulatory body that is doing the very thing that the gentleman is seeking additional power to do?

Mr. NEWTON. I do not know as to every State. I know that there are States that do not have regulatory commissions so far as electric power is concerned, and I do know that three Cabinet officers have told this Congress in a report to this committee that they need this additional legislation in order to carry on these regulatory powers as Congress expected them to do.

Mr. McDUFFIE. Can the gentleman name any State which has not a regulatory body?

Mr. NEWTON. Yes; the State of Minnesota is one of them.

Mr. McDUFFIE. That does not go into the question of rates charged by an electric company?

Mr. NEWTON. They have no State regulatory commission so far as water power or electric energy is concerned.

Mr. McDUFFIE. Does the gentleman know of any other?

Mr. NEWTON. I know there are others.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. WELLER. Is it not the purpose of this bill merely to increase or give additional personnel to the Federal Power Commission rather than to change the policy of the existing law?

Mr. NEWTON. Yes.

Mr. WELLER. In other words, there is no change of existing law or of the Federal Power Commission.

Mr. NEWTON. Absolutely none. There is no change in the regulatory duties of the Federal Power Commission.

Mr. ARENTZ. Is it not necessary for the Federal Power Commission to determine the net cost of plants, to determine the method under which dams are constructed and plants erected, and have that information in the files of the commission so that at the end of a 50-year period, for instance, if the Government wishes to step in and recapture the plant, there would be some definite information to be had by the Government or by Congress or anyone who wanted to look into the matter?

Mr. NEWTON. Yes. The gentleman is correct in that, and in other instances that information should be available long before the expiration of the 50-year period.

Mr. ARENTZ. Surely.

Mr. CROSSER. Mr. Chairman, will the gentleman tell what means they have of getting help now to conduct this business?

Mr. NEWTON. Under the basic law they get all of their help from the War Department, the Interior Department, and the Agricultural Department, and they get that help by borrowing it from those departments. Of course, it was expected that those officers or employees would be assigned there, but as a matter of fact they are assigned only temporarily; there can not be what the comptroller calls a transfer.

Mr. CROSSER. And this is done with reluctance.

Mr. NEWTON. Yes. There is nothing permanent about it, and, as the gentleman has well said, it is done with a great deal of reluctance, because these employees are rated as employees of the respective departments. Of course, that being the case, and the work all being done for the Federal Power Commission, gentlemen can readily see the handicap that the commission is under all of the time in order to get a proper number of efficient personnel. The salaries of these detailed officers and employees comes out of the departmental appropriations.

Mr. MORTON D. HULL. And it is getting new permanent officers rather than a transfer of personnel from the departments, is it not?

Mr. NEWTON. The bill authorizes new permanent employees.

Mr. MORTON D. HULL. And that is where your problem is, is it not?

Mr. NEWTON. Yes. But it is expected that there will be transfers from these departments and that most of these employees will still be transferred; that they will acquire them by transfers from the departments on a more or less permanent status rather than on a temporary detail.

Mr. WELSH of Pennsylvania. Can the gentleman tell us how many additional new employees will be required?

Mr. NEWTON. There are 33 borrowed employees in the employ of the Federal Power Commission to-day, and the executive secretary, appearing for the commission, said that in his judgment the work would require an increase in the force of from 50 per cent to 75 per cent. That would mean from 16 to 20 or 21 additional employees.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. LAGUARDIA. To my mind it is not so much a matter of the number of employees as it is a matter of the right kind of

employees in this sort of valuation, and whether these men will be able to analyze the figures of the expert accountants and these appraisers of plants under the supervision of the Federal Power Commission.

Mr. NEWTON. Any new employee would be selected, of course, under the terms of the civil service, just the way other employees are selected, say, for the Interstate Commerce Commission, the Federal Trade Commission, or the other executive branches of the Government.

Mr. LAGUARDIA. And they will have to know how to juggle figures if they are going to correctly interpret the appraisals that will be submitted.

Mr. NEWTON. The field work of the Federal Power Commission is now conducted just like the work here in Washington, entirely by the service of men from other departments. It is expected they will continue to make use of a temporary detail of employees from other departments in order to carry on the field work.

That can be done at less expense from out there on the field, and more conveniently, and those men can carry on that work, investigative work and otherwise. There is no thought and no intention whatever of changing from that. This is merely for the purpose of adding to the help that the commission should have if they are going to continue their work right here in Washington.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. SPROUL of Kansas. Why is it, or how is it, that the departments have on hand a lot of idle men available for this Federal Power Commission?

Mr. NEWTON. The gentleman assumes that the departments have a lot of idle men that are available for the work of the commission. Personally I do not agree with the gentleman on that. I know of no idle men who can go on the commission and perform the kind of work that the gentleman from New York [Mr. LAGUARDIA] says should be performed.

Mr. SPROUL of Kansas. Then, if these additional men are not idle and are needed by the commission, why not also allocate to the Tariff Commission men from the departments to do the Tariff Commission's work?

Mr. NEWTON. That is what we expect to do.

Mr. SPROUL of Kansas. I understood the gentleman said he would continue to borrow from the other departments.

Mr. NEWTON. No. We can now borrow on detail, but we propose to transfer some of them permanently. But that can not be done under the present law.

Mr. WELSH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. WELSH of Pennsylvania. Are these employees found to be adverse to the commission's policy?

Mr. NEWTON. Oh, not at all.

Mr. ARENTZ. For instance, there is a fall on a certain river that can be used for power purposes. There may be need of that water also for irrigation purposes. We know that at times power and irrigation do not match up, because the water must be drawn out of the reservoir for irrigation, but you must have water for power at all times. The departments look into the facts and get the whole picture before them and present the facts to the Federal Power Commission. These men are there for that purpose, and without them the Power Commission could not function.

Mr. NEWTON. Yes. Here is the case. They are making use of them to-day, on temporary detail or in the field, in temporary exigencies for three or four or five or six days. That has to be continued. There is no thought of doing away with that or making these field men permanent. The idea is to have in Washington men to correlate this work, and where there is need of a permanent force to have that permanent force. That is the purpose of the legislation.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. If that is the purpose of the legislation, why not write it in the bill?

Mr. NEWTON. We have done that.

Mr. OLIVER of Alabama. Have you not left it indefinite, and under this bill could not the commission employ as many field agents as they might wish? The purpose, in fact, as Mr. Merrill states, is to relieve their shortage in personnel, which relates to the work in Washington, and, as you have just stated that to be your understanding, why not limit the number they can employ to the number to be employed in Washington?

Mr. NEWTON. Well, the gentleman knows as the result of his very distinguished service here, both on the floor of this



House and as a member of the Committee on Appropriations—the gentleman knows the difficulties of drawing up legislation in advance to meet contingencies that happen over a period of years. Legislation is generally drawn in general terms. It should be. Some discretion must be vested in the executive officers. Some discretion can be vested in them, and then as a check upon them we have the Budget, and then we have the Appropriations Committee of the House, and then we have Congress itself in control over the appropriations. Now, it seems to me that with a provision of this kind and with checks of that character it would be unwise to attempt to go to work and confine this strictly to Washington.

We have a very technical Comptroller General. Every Member of this House knows something of the very technical way in which he construes provisions of law from time to time. There is no use in running up against that. We have competent men on the commission, and we have a competent Budget Director, and a competent Committee on Appropriations, and a watchful Congress.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. McDUFFIE. Can the gentleman tell us what the field work consists of?

Mr. NEWTON. The gentleman from Nevada [Mr. ARENTZ] referred to it a moment ago. He is so much more familiar with it than I am that I will ask him to answer the question.

Mr. ARENTZ. An individual or a corporation comes to Washington and applies for a license to the Federal Power Commission. He must present to the Federal Power Commission a statement as to the kind of dam he is going to construct, whether or not he has had soundings made on that site, how long and how high the dam is to be, what is to be the cost, where the power plants are to be erected, and how much they will cost, where he is going to run his transmission lines, and how much it will cost, and approximately what the rates will be; and the men in the field must go over these matters item by item, and the men in the office must correlate these facts, and then, on the basis of that, a license is given to the individual or corporation and issued by the Federal Power Commission.

Mr. McDUFFIE. So I understand, but is not all of that field work done through the Corps of Engineers?

Mr. ARENTZ. Up to this time.

Mr. McDUFFIE. And it is through the Corps of Engineers that the data is secured to which the gentleman has just referred?

Mr. ARENTZ. Up to this time I must admit that they pick from the Geological Survey an expert on geology and things of that sort; they pick a man from the War Department who knows something about the figures in connection with the construction of dams, and they pick a man from the Interior Department who knows something about water rights to determine whether or not the State has given a permit to this man or this corporation to construct a dam or for the use of that water within the State, because the Federal Power Commission is subordinate to the rights of a State in every case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. KETCHAM. Before the gentleman leaves the remarks of the gentleman from Nevada, will he permit a question?

Mr. NEWTON. Yes.

Mr. KETCHAM. Is it true that the procedure outlined by the gentleman from Nevada is that taken where the stream is a navigable stream? My understanding is that the surveys and all of this detailed work are carried on by the Corps of Engineers, and that after the facts are found a report is made to the Federal Power Commission, and that that commission simply reviews the facts upon the data that has been gathered by the scientific and trained technical men in the Corps of Engineers. Is that correct?

Mr. ARENTZ. I will say that the Colorado River is supposed to be navigable and it is considered a navigable stream; yet there can not be any rights established upon the Colorado River without first going to the State of Utah, if it is within the borders of that State, and without going to the State of Colorado, if it is within Colorado, or to Arizona or Nevada, and obtaining a permit from the State, and then the Federal Power Commission will issue a permit under the Federal power act.

Mr. NEWTON. Congress gave very important and very extensive powers to the Federal Power Commission. There was some criticism and objection raised to the granting of these powers in the first instance, and the Federal power act was the outcome of many years of deliberation and discussion on the floors of both Houses of Congress and throughout the country.

However, Congress finally determined upon the policy, and that policy was the development of the water-power resources of the country through the supervision of this commission, through investigative work, licensing, and so on. In order to protect the public interest this commission was clothed with certain powers. It was given supervisory power over accounting, the valuing of the properties, and in certain instances, where there was no rate-regulating power or where interstate commerce in electrical energy was involved, they were given rate-regulatory power.

Now, three members of the Cabinet, the three members constituting this commission, have told Congress of the necessity of having these permanent employees. Their letter appears in the report, and in that letter they comment upon the granting of 290 licenses. They discuss the value of those licenses. They state that cases involving more than \$100,000,000 are still pending. Ninety-two other projects have been constructed or placed under construction since the act was passed. These constructed projects involve costs of not less than \$675,000,000. Projects under license and not yet under construction involve not less than \$300,000,000 more. They say that out of this huge total the commission has reached settlement of values or costs aggregating \$21,000,000, and has wholly or partially examined claims aggregating \$100,000,000 more. This is the result of seven years' work of the commission's accountants. I quote:

It is manifestly impossible to make any real headway or to give reasonable protection to the public interest under limitations now existing.

They then ask to have the limitations removed in reference to the personnel, which we have done in this bill, and that is all there is to this proposition.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. COOPER of Wisconsin. The gentleman from Minnesota says the commission has issued 290 licenses. Within how long a time?

Mr. NEWTON. Well, since some time in 1920, when the Federal power act became a law.

Mr. COOPER of Wisconsin. Does the gentleman know how many within the last year?

Mr. NEWTON. I am sorry I can not answer the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. When the act was originally passed, Congress provided the means whereby the personnel could be provided by the three departments, to wit, the War, Interior, and Agriculture, the heads of which constitute the commission, and since the secretary, Mr. Merrill, stated that it is important to depart from that only to the extent of creating an additional force in the city of Washington, and only this force to the extent of adding 50 per cent more, why should we not place some limitation as to number of employees to be employed hereunder without leaving that indefinite?

Mr. NEWTON. Well, we can not look into the future and tell anything about just how many employees will be needed. The gentleman has far less confidence in the Budget and in his own committee than I have. I am willing to trust it to them.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. OLIVER of Alabama. May I suggest this to the gentleman: Mr. BECK, a constitutional lawyer, suggested to the committee that the constitutionality of this act has been questioned on many occasions and yet it has never found its way into any court where that question could be passed on, and it seems to me, in view of that situation, we should be slow to make so broad an amendment to the original act and leave it indefinite as to the additional number of personnel they may have, both in the field and in Washington. The original act undertook, in a wise way I think, to curb that.

Mr. NEWTON. Well, of course, that goes to a mere detail of the bill. I have been trying to direct my remarks to the general principles of the bill. However, it seems to me there is no occasion for making an exception in this case. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I voted for the consideration of this bill. I am absolutely opposed to its provisions. It

is another establishment or enlargement of a subdivision of the Government against which we almost universally rail and which we almost generally, inconsistently, vote for when they come up. I am reminded of a debate which took place seven or eight years ago, or perhaps longer, when the Children's Bureau bill was under consideration and an appropriation was made for that subdivision of \$12,000, and it was written into the bill that the personnel should be so many and the appropriation should never exceed this amount. The last time I had occasion to look up the appropriation for the Children's Bureau I believe it was about \$1,500,000.

If we are going to stop these bureaus, we can not do it by adding to the personnel. We have got to make a start somewhere, and I have failed to see any indications, at least for the last five or six years, where we have tried to stop establishing or restricting bureaus.

We are just as inconsistent as the gentleman from Minnesota, for about two or three weeks ago he stood on this floor and expressed his dissatisfaction, his disbelief, and his distrust of certain bureaus or of certain divisions of the Government in opposition to one bill, and then to-day he reverses himself and advocates that very thing.

Mr. NEWTON. Will the gentleman yield?

Mr. UNDERHILL. I would advise the gentleman that if the State of Minnesota does not at the present time have a public utility board or commission, he should bend his energies toward having one established in that State, and let Minnesota take care of its own water power rather than placing the control of such power here in the city of Washington.

Mr. NEWTON. The gentleman will say to the gentleman from Massachusetts that he did not introduce this bill. He is merely—

Mr. UNDERHILL. An advocate of it.

Mr. NEWTON (continuing). He is merely one member of the committee that has reported the bill, and he mentioned his State in answer to an inquiry. His State has not asked for this legislation, but his State wants adequate legislation for the benefit of the entire country, as the gentleman's State should want it.

Mr. UNDERHILL. I simply drew attention to the inconsistency of the gentleman's position of a short time ago and his position to-day.

Let me point out one thing in this bill, and then I am through. This ought to be enough to defeat it if nothing else.

On page 2 of the bill, beginning at line 19, it provides:

All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding \$6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose.

I do not know but what this is subject to a point of order. It surely is an appropriation by indirection, and this committee has no power to make appropriations.

I also question the constitutionality of the whole act establishing this board, and if I had the money and were engaged in hydroelectric work as a private individual, I would carry this case to the Supreme Court. It is a direct interference of private initiative, with private endeavor, and with the development of hydroelectric power throughout this country.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, if there is really a valid objection to the Federal Power Commission, we ought to have the frankness and the courage to abolish it at once. If it has justified its existence, as I think it has, then let us give it adequate personnel to do the business that has been assigned to it by law. One of the two things ought to be done. [Applause.]

For my part I think the best thing we could do would be to repeal that part of the law providing for the taking of men from the War Department, from the Department of Agriculture, and from the Interior Department and require the commission to employ its own force, so there will be no doubt as to what is the actual cost of the operation of the Water Power Commission.

Moreover, what is far more important to me, it would do away with the excuse which the present plan of furnishing help to the commission gives the War Department for employing large numbers of additional officers, more than they can justify for military purposes, in assigning their officers to the work of the Federal Water Power Commission. Those who were inveighing the other day against militarism in all of its forms ought to see very clearly that we give a very good excuse for enlarging the military force by this plan of borrowing men for civil departments of Government from the War Department. I would take that excuse away from them as quickly as possible if I had the power to do so.

Let us give this agency its own corps of employees and make such employees entirely responsible to the Federal Water Power Commission and to no one else. Now, as to the proposal to limit by guesswork the number of employees the commission should employ: Must we stipulate that one dozen or a dozen and a half clerks or stenographers must suffice for the commission's work, the extent of which work we know nothing about at the present time? It seems to me farcical to talk about limiting the number of employees we must have for the commission until the extent of the work, when properly done, has become better known.

Mr. ARENTZ. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. ARENTZ. As an indication of the necessity for these men, we can cite the fact that electrical development has been so extensive during the past eight years that the normal advance or increased consumption of coal has been cut 200,000,000 tons a year through the use of electricity, and it is because of this fact that we need these men to correlate and supervise these permits and licenses.

Mr. CROSSER. Yes; that is true.

Mr. UNDERHILL. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. UNDERHILL. And then they ask Congress to establish another bureau or board to investigate the coal business.

Mr. CROSSER. That has nothing to do with the question before the House.

Mr. MERRITT. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. MERRITT. Is it not true that the expenses of this additional help will all be met by the payment of fees?

Mr. CROSSER. Yes. As a matter of fact, there is much more money received by the commission than is necessary to pay its expenses.

Mr. UNDERWOOD. Does the gentleman think that the receipts of the commission will be adequate to take care of this additional personnel?

Mr. CROSSER. Much more than adequate. I think that if the additional personnel is provided, those who procure the water power will pay much more than is needed to pay the personnel.

Mr. BURTON. Will it not be true if the bill passes for this additional help that the receipts now amounting to \$235,000 will be greatly increased?

Mr. CROSSER. Absolutely.

Mr. ABERNETHY. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. ABERNETHY. Is there any department of the Government that takes care of itself?

Mr. CROSSER. Yes; this commission which we are discussing, does so.

Mr. ABERNETHY. I would like to see one.

Mr. CROSSER. It seems to be assumed that if we pass this bill it will allow the commission to put their hands into the Treasury to take whatever they desire. Nothing of the kind is possible. They can not employ a single man for the Water Power Commission without coming to the Appropriations Committee for an appropriation to employ that help. Why talk about running away with the Treasury when all we propose is to enable the commission to apply in a legal way to the Appropriations Committee for the necessary funds. The Appropriations Committee, in the first place, and then the House has complete control of the situation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, until there has been a clarification either by additional legislation or court construction of the respective powers and rights of the States and the Federal Government with reference to the tremendously important question of hydroelectric power, I am unwilling to go further than we have gone already in the building up and strengthening of the Federal Water Power Bureau.



I think all who have given this question attention are aware of the fact that the state of the law touching water power is in a very great confusion. There is in the minds of many of the most eminent lawyers of the United States very grave doubt as to the constitutionality of some of the powers undertaken to be granted by the Federal water power act. From time to time, beginning in the last session of Congress, and upon two or three occasions at this session, I have placed in the CONGRESSIONAL RECORD, by the consent of the House, the production of other minds on this subject. In the last Congress on the 21st of February, 1927, I inserted in the RECORD a most interesting document which grew out of a situation that developed in the State of New York. (CONGRESSIONAL RECORD, 69th Cong., pt. 4, vol. 68, pp. 4372 et seq.)

The State of New York undertook to challenge in the Supreme Court of the United States the exercise of certain powers that it had been attempted to confer by the Congress upon the Federal Power Commission in the Federal water power act.

I have not time to go into the details and can only sketch what happened. In an answer filed the Federal Power Commission made such intimations of concession as that the authorities of the State of New York sought a conference with it. That conference was had and the minutes of the conference were kept. There was reached there, not a personal agreement, because they were perhaps not in a situation to reach an agreement, but there was such an interchange of thought and the minds of the State authorities and the commission were so disclosed to each other as that it appeared there was no kind of controversy which could be pressed by the State before the Supreme Court in the suit.

In other words, it would have amounted to a moot case. And so the State of New York either dropped its suit or merely let it stand on the docket without action.

The practical effect of it was that the Federal Power Commission virtually conceded all that was being claimed in the way of law by the authorities in the State of New York.

Now there are numerous other States greatly interested in having the law clarified. My own State of Tennessee probably has the greatest water-power possibilities of any single State in the Union upon its many streams.

Not very long since I put into the CONGRESSIONAL RECORD an order of our State public utilities commission. Subsequently thereto I put a letter from that public utility commission bearing upon some phases of this question in the RECORD. It is in a way the outstanding question in the State of Tennessee. The public utilities commission is asserting—I do not stop to argue whether right or wrong, they are asserting certain rights which they claim for the State—and I submit that it is extremely important that certain portions of the Federal power act should be clarified. I have introduced a bill that is before the honorable committee from which this measure comes designed to clarify the situation and make clear what are the rights of the Federal Government and the States in this important matter.

The Supreme Court of the United States—I think last May—delivered the decision in the case of the Fox River Paper Co. against the State of Wisconsin, in which that court went further at least than it had ever gone before, because, doubtless, this is the first time that it ever had occasion to go that far in upholding certain claims of the State in regard to the utilization of power on a navigable stream. There has been much confusion growing out of the question of navigation and the question of power. I may be in error about it, but so far as I am concerned, I am freely of the opinion that in the water power act certain things are attempted to be done under the guise of navigation that the courts will not uphold if the question can ever come squarely before them. I believe that one of the very important things that this Congress could perform would be to make another study of this water-power question, and in connection with this bill which is presented, and to which I have referred, undertake to clarify this language and let us know what the respective rights of States and the Federal Government are. There is now conflict between some of the State authorities and the Federal Power Commission which is retarding development, and it is extremely important that this clarification should come about. I regard that as of infinitely more importance to receive the attention of Congress now than is the mere matter of dealing with a personnel down here, and building up a bureau. We all know how bureaus grow.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DENISON. Does not the gentleman from Tennessee think it is more important that it should receive the attention of the courts than the attention of Congress?

Mr. GARRETT of Tennessee. I do not agree with the gentleman.

Mr. DENISON. The Congress can not settle the legal question.

Mr. GARRETT of Tennessee. Yes; I think Congress can clarify the situation through the bill which I introduced, or through some other bill. Here is the difficulty. I do not know how you can draw the issues so as to get a clear-cut decision from the courts on some of these questions, because the Federal Power Commission is not positively asserting its authority in all instances in such a way as to enable one who might desire to enjoin the commission to make an issue with them. That was exactly the case which existed in New York. It will be of interest to Members to read that complete record in the RECORD of the last Congress.

Mr. DENISON. Has not the Water Power Commission conferred certain rights upon companies or persons seeking to use water power?

Mr. GARRETT of Tennessee. They have never gone to the point in any of the permits granted of fixing conditions that would bring about the controversy with State authorities, so far as I am advised.

Mr. DENISON. Could not the States themselves grant certain water powers which would conflict with the Federal law, and would not that raise the Federal question then?

Mr. GARRETT of Tennessee. That might be done; but here is the difficulty about it: The permit would be granted to a private individual or to a corporation, and there is a practical difficulty of getting it into the courts. It costs money to build these public power projects. Those who desire to engage in that field of enterprise must have a large amount of capital. They are unwilling to proceed to construct a dam where it might be questionable as to what power or authority the Federal Government has, merely upon a State permit, and on the other hand they hesitate even with a Federal permit to risk their money without having a State permit. Out of that grows confusion, which, as I say, I think could be clarified in a large degree by some such legislation as that proposed in the bill which I introduced.

Mr. OLIVER of Alabama. And in that very case to which the gentleman referred the secretary of the commission admits that the power to recapture which is written into the bill is intended so that the National Government might act as trustee for the State government.

Mr. GARRETT of Tennessee. I so understand.

Mr. OLIVER of Alabama. And surely if language is so ambiguous as that legislation is important to clarify it.

Mr. GARRETT of Tennessee. And the gentleman knows that there is a great deal of doubt in the minds of many as to the constitutionality of the recapture clause itself.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. SINNOTT. Could not the constitutional question be raised as between the right of the State and the Federal Government in the matter of rentals or royalties charged for the use of the power in the navigable streams?

Mr. GARRETT of Tennessee. But the difficulty is that the practical situation has never arisen.

Mr. SINNOTT. They have not exacted any rentals or royalties?

Mr. GARRETT of Tennessee. Not so far as my knowledge goes; that is, in such a way as has brought on a conflict with the State authorities, and this state of affairs is retarding development. The indisposition of capital to plunge into a project which means a lawsuit is well known. We are all familiar with the expression about hesitating to buy a lawsuit.

Mr. SINNOTT. If the rentals that the water-power company has to pay are transferred in the rate as a burden upon the users of electricity, the State would then surely have a justifiable question with which to go into court in resisting an additional rental on the users.

Mr. GARRETT of Tennessee. Imposed by the Federal Government?

Mr. SINNOTT. No; imposed by the water-power company. Because they are seeking to grant further those rentals to the users.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PARKER. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, heaven oftentimes sends us a friend, one whose friendship is worth the keeping. For a quarter of a century I have enjoyed that sort of friendship with the gentleman from Illinois, Mr. MARTIN MADDEN. [Applause.] During that period of service I have never known a

more useful man to the country than he, and it is my wish upon this, his seventy-third birthday, that he may be permitted to live and serve his country for many, many more years, and until God sends him word that his great work is completed. We must not lose his helping hand. The country can not afford to lose his commanding service. [Applause.] A minute is not long enough in which to speak of MARTIN MADDEN. I could speak of him for an hour and then not tell you of his many virtues. I have known times when weaker men would have been tempted to yield, when he has stood with the firmness of a great rock. This man of honor has never had his motives questioned; he has never had his integrity called in dispute. Insincerity has no place in his life. He has never spitefully treated any man in this House. He has opposed many things that we would like to have had done, but he has always given us a good reason for his opposition. He has always stood for the good of this Nation, and it stands with him as his best friend. I repeat what I said, long may he live and serve in this House as a guiding hand to the affairs of this great Government of ours. [Applause, the Members rising.]

Mr. PARKER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman and gentlemen, I was a Member of this House when the original water power act was passed. I was in favor of that act at that time. I am in favor of it now. I think it was a step in the right direction in helping to form a national water-power policy.

I think the gentleman from Minnesota [Mr. NEWTON] has stated the situation correctly, perhaps, when he said there was nothing in this bill that really changed the general water-power policy of the country. I do not think there is, but there is some language in this bill that materially affects the policy adopted by Congress at that time as to the administration of the act. I remember very well the debate on this proposition, and it was almost the unanimous opinion of all the Members of this House that, although we had set up a water-power commission, we would not set up an independent bureau which could have numberless employees and spread throughout the whole country.

Now, the only proposition that I oppose in the present bill is contained in a few words here, and unless you give them close attention you will fail to perceive the fact that they would change the entire policy of this Government, in administration of the act, in that we were not going to set up an independent bureau. It was provided at that time, as has been stated, that the Departments of Agriculture, War, and Interior would furnish the clerical part that was necessary to carry out the provisions of the act. The War Department, of course, has furnished all the engineers. So far as I know, there is absolutely no complaint on the part of the commission in regard to the service it has received along this line. The only complaint that has been made has been made by the executive officer of this commission. He has made some statements to the effect that he was behind in the accounting work, but I can not find that he has made any request of these various departments to furnish those men to do that accounting. If we adopt this measure exactly as it is written, it is going to give power to the Water Power Commission to establish a new bureau for themselves, and it is absolutely limitless, and not only applies to the District of Columbia but elsewhere in the United States.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. SNELL. Certainly.

Mr. DENISON. The gentleman says the bill is "limitless." Has the gentleman no confidence in the Bureau of the Budget and the House committees?

Mr. SNELL. Under this bill you will grant authority to these people to start a bureau, and I am opposed to that provision of the bill. I want to do everything in my power to help them to function and do the work intended, but I am opposed to their starting a new bureau, because it can be just as well taken care of in another way.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. NEWTON. The gentleman will appreciate the fact that the language used here is the language used in other acts in applying the personnel to other agencies of the Government.

Mr. SNELL. I know; but this was a definite policy adopted at that time, that we were not going to set up an independent bureau, and the gentleman knows that very well. So that it is not on a par with other propositions in connection with other bureaus of the Government.

Mr. NEWTON. I know; but when the commission, which is composed of three Cabinet officers, feel that this change should

be made in the law in order that they may better carry on their duties, does not the gentleman think that is a substantial recommendation?

Mr. SNELL. The gentleman from Minnesota knows as well as I do that the three Cabinet officers are not giving any attention whatever to this matter. It is left almost entirely to the executive officer. If the gentleman will refer to his own question when Mr. Merrill was before the committee, he will find that it was this:

What is the change in the law?

And Mr. Merrill said:

There are practically no changes in the law.

Mr. NEWTON. That is true.

Mr. SNELL. If you adopt this bill as it is written, and leave it to the discretion of the Federal Power Commission, he can build up a bureau of his own, and there is nothing to prevent it, and I think that is a very important change in the present law and the gentleman knew it.

Mr. NEWTON. He will be subject to the Budget and to the Committee on Appropriations and to Congress.

Mr. SNELL. Everybody has to get an authorization, but after the authorization is given, then they come up and say, "We have the authorization, and recommend this"; and, of course, the Committee on Appropriations are of opinion that so long as Congress authorized this, they must appropriate for it.

Mr. NEWTON. The gentleman wants this regulatory work to go on? He is in favor of that?

Mr. SNELL. I am.

Mr. NEWTON. They are not carrying on that work to-day.

Mr. SNELL. The reason for it is that they have not requested the departments to furnish these men.

Mr. NEWTON. Why not have them come directly to Congress?

Mr. SNELL. I think it is taking an entirely different step from that contemplated when we originally established this act. Congress then went on record as opposed to establishing a new bureau there. But if Congress wants to turn around and establish an unlimited bureau, then it is all right.

Mr. NEWTON. It is not an independent commission when it is composed entirely of Cabinet officers.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield there?

Mr. SNELL. Certainly.

Mr. OLIVER of Alabama. There can be no question about what the gentleman has mentioned as having been in the mind of Congress in establishing this bureau. If relief should be given, it should be limited.

Here is what Mr. Merrill said to the committee:

We have a personnel now, technical and clerical, of 34. It probably will require a 50 to 75 per cent increase in number of personnel to handle the work that we have.

Mr. SNELL. And this bill makes provision that if they do not have them at the present time they can call on these three departments when necessary.

What I want to do is to offer an amendment on page 2, line 6, striking out the words "in so far as practicable." That will leave the law as it is at the present time, that they shall utilize the facilities and personnel of the Departments of War, Interior, and Agriculture. In line 14 I want to strike out the words "and elsewhere." I am absolutely opposed to their building up a bureau in any part of the United States without limit. At the present time representatives of the War Department, the Agricultural Department, and the Department of the Interior are located in these various parts of the United States. They can use them in work of this kind whenever necessary, but if you leave it to the commission to do as they see fit about it, Members of the House well know that before another year has gone by they will have a big bureau established and they will call upon Congress to appropriate for it.

I hope the committee will join with me in adopting the amendments I have suggested. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. McDUFFIE].

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I do not profess to be a profound constitutional lawyer, but I take it that those gentlemen who have studied this power act of 1920 are correct in suggesting that its constitutionality is a grave and mooted question. If that be true, the suggestions of the gentleman from Tennessee [Mr. GARRETT] should find favor in the minds of the entire membership of the House. We should not proceed now, with that act in its present questionable position, according to the views of many great lawyers,



by this bill to build up another large bureau for its administration. I agree with the gentleman from New York [Mr. SNELL], and I go a little bit further, far enough to say that under the language of this bill this chief clerk of the Power Commission could build up an organization as large as the Interstate Commerce Commission.

For two or three years, at least, this clerk of the Power Commission has attempted to get such legislation as this passed through the Congress. He was before the Rivers and Harbors Committee with a similar suggestion, and went to the Senate with this proposal. Who is behind this bill other than the clerk of the Power Commission? Oh, you read a letter signed by the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, but who wrote that letter? You gentlemen know; as Mr. SNELL has said, of course those Cabinet officers do not know a thing in the world about the working of this commission. They have not the time to study the details of the acts and doings of the commission. Therefore the urge for this legislation comes from this one man, Merrill, who has for some time tried to break the legal bands now preventing him from building up his organization and which is keeping him from expanding his office into a great bureau dealing, as it does, with problems involving the expenditure of millions of dollars. Necessarily he wants his own organization to grow and become larger and more important in the affairs of this Government.

Now, one more thing. If you will read the language of the power commission act, you will find it provides that the commission can make surveys for power development. It has the authority to do that.

Several years ago, when an effort was made to have the United States engineers study the possibilities of the navigable streams of this country and their tributaries for power, navigation, and flood control, we find this same clerk, Mr. Merrill, urging that the Power Commission itself make these surveys as to power, and before the Rivers and Harbors Committee he has suggested almost identical language with that proposed in this bill.

I will not criticize the chairman of this committee, the gentleman from New York [Mr. PARKER], who is a lovable man and a splendid, upstanding statesman; but, all of a sudden, almost overnight, what do we find? The committee holding hearings quickly, with only one witness—the Power Commission, who is Mr. Merrill himself—urging the very thing that Mr. Merrill has been urging for several years before this Congress, asking authority to build up a great bureau in this Government.

This Congress authorized a study of the navigable streams of this country for power and other development by the United States engineers. It is written into the law by the last rivers and harbors act. We appropriated the other day \$2,000,000 to begin a study of these streams by the United States engineers. We should not grant the authority you are proposing to give Mr. Merrill under this act. It is all well enough for the gentleman from Minnesota and others to say there is no thought of expanding or changing policies; that there is no thought of having additional experts in the field; but if we give the Power Commission, Mr. Merrill, this authority, we will most likely have duplication of authority in making the most important surveys ever authorized by the Congress of America. This bill should not pass. There is no need for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, I want to register my protest against voting power of this kind to a bureau head where the only protection the public has is the good faith of a public officer. I take this position without wishing to cast any reflection upon the gentleman who now occupies the office in question.

We are asked here to vote power to appoint ad libitum, without any restraint, any number of employees for this bureau. And who are these employees to be? They are to be men chosen under the civil service law.

We have in this country to-day the great power industry of the Nation striving to expand and develop that great asset which the Lord has given us, and we are now voting to place a limitation upon these activities, and that limitation is to be decided by men who pass a civil-service examination. And what kind of men are we going to get to take this civil-service examination? Men who probably could not get a job anywhere in the United States with a corporation that would pay them what the Federal Government will pay them. Yet this is the type of men in whom you are reposing this great authority. I say that advisedly, because when they start to function their

reports on their investigations will be considered official, and upon those reports and the information which they contain the policy of the commission as to the power industry will be predicated.

Members of the committee, I hope we will see just how far we are going in this hasty legislation. I voted against the consideration of the bill at this time because I did not think it was proper to hurriedly bring it forward and practically decide the fate of a great industry of this Nation by a snap judgment of this kind, and I hope we will vote down the proposed legislation.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. ABERNETHY. In other words, we are in such a hurry that we made Wednesday Tuesday, or, rather, we made Tuesday Wednesday.

Mr. WELSH of Pennsylvania. We have changed the clock, and now we are changing the calendar.

Mr. MADDEN. I do not think that is a fair statement.

Mr. WELSH of Pennsylvania. I did not yield, and I hope this will not be taken out of my time.

Mr. ABERNETHY. This is Tuesday, and we are supposed to be considering Calendar Wednesday legislation, and is not that jumping up a day?

Mr. MADDEN. I think the gentleman ought to be fair in making such a statement. In the first place, the Committee on Appropriations said that it could not report the appropriation bill for the Navy until to-morrow, and it was at our request that the leader of the House requested a transfer of Calendar Wednesday business to Tuesday, and I do not think the gentleman ought to let the statement he made stand.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PARKER. Mr. Chairman, I yield one more minute to the gentleman from Pennsylvania.

Mr. WELSH of Pennsylvania. I want to call attention in this moment to the fact that we are placing the supervision and control over the water-power activities of this Nation for perhaps the next 25 years in the hands of men whom the power corporations themselves would not employ to carry on their own activities, and I do not think we want to do this.

Mr. PARKER. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. PARKER. How are we changing the present law in any way?

Mr. WELSH of Pennsylvania. Under the present law, as I understand it, these employees are not subject to the civil service.

Mr. PARKER. Oh, absolutely, yes.

Mr. WELSH of Pennsylvania. These new men?

Mr. PARKER. Yes.

Mr. WELSH of Pennsylvania. No; the new men are not provided for in the present law, but we have men in the department now that you are evidently not satisfied with or you probably can not control—I am using the pronoun "you" in a relative sense—and you want to get a class of employees who probably will have no vision and small ability, but who will be able to pass a fine civil-service examination, and these are to be the men who will shape the policies and destinies of these great enterprises. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. RAYBURN. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I confess that I really have but little stomach for this kind of effort. I used to speak against these measures in the House hoping that, although it would fall on deaf ears here, it would be noted in another body. Recent experiences have convinced me that such a hope is no longer justified.

Efforts against such measures are wasted. We bring these measures here, Members do not know anything about them, they are highly technical and hard to see through, they are railroaded through committees, they come here on the floor, there are very few Members present, nobody hears what is said, nobody pays any attention to what is said, Members go ahead and follow the committee, a majority is on one side and a minority on the other, and what is it all about anyhow? [Laughter and applause.] As I said here once before, of course, the result is bound to be wrong.

This is another typical bill such as I vainly spoke against a couple of weeks ago. It originated in a bureau. I did not see it written; I was not there. But I think I know enough about how such things are done to know that Mr. Merrill, the secretary of the commission, wrote the bill. The members of the

commission are very busy department heads. They have no time to spare to such matters. In substance and in effect, Mr. Merrill is the commission. He wrote the bill. He handed it to somebody to introduce. It has been in previous Congresses. It is again here in this Congress. He pushed the chairman of the Committee on Interstate and Foreign Commerce and insisted that some action be taken. The chairman referred the bill to the Power Commission for opinion, and so it went back into Mr. Merrill's hands and Mr. Merrill wrote the report of the Power Commission and sent it up recommending that his bill be passed. [Laughter.]

Then Mr. Merrill came before the committee when the chairman, in his generosity, had yielded to his importunities, and agreed to hold a hearing. The members of the committee had no notice that the hearing would be held. We had no opportunity to study the bill. We had no familiarity with the subject. Many of us had never read the power act. We were wholly unprepared, and there, in just a few minutes, with only one witness present, to wit, Mr. Merrill, testifying in behalf of his own bill, all that was said upon the subject was said. Nobody else was heard. No adversary interest had any opportunity to criticize.

And behold, when Mr. Merrill had finished what he had to say in perhaps 30 minutes or less, the chairman said, "Well, now, what shall we do with the bill? All those in favor of the bill," and started to put the vote right then. I expostulated and remonstrated gently with the chairman, and said, "Mr. Chairman, are we not to consider the bill in committee at all?" The chairman replied, "Oh, no; let us take a vote on it. We want to get something on the calendar for next Wednesday. That is our day in the House." Far better be it to present a bad piece of legislation than to have none at all. Let us have a bill to show we are doing something. [Laughter.]

I again pleaded with him for a little time for consideration. I protested and objected in my plaintive way; all in vain. I am an unpopular member of the committee, and it is entirely futile for me to try to get anything done on my initiative. I had hoped I might be able to get some other member of the committee to see a light. I knew it was an important matter of legislation, and that we ought to give it some real consideration. Finally, in despair, I looked up at the clock and saw that it was 12 o'clock, and so, grasping at the last straw, I said, "Mr. Chairman, the House is in session and the committee has no right to sit. I make a point of order." Thus it happened that I played the trump card, and so we got a little time until the next day. [Laughter.]

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the gentleman is discussing matters which took place in the committee.

Mr. HUDDLESTON. Does not the gentleman from Washington [Mr. JOHNSON] want to know the truth? Is the gentleman unwilling to learn how this bill got through the committee? I know it is out of order, but I would like to finish with the story. [Laughter.]

The CHAIRMAN (Mr. McLAUGHLIN). The gentleman from Alabama knows the rule.

Mr. HUDDLESTON. Yes, Mr. Chairman; I know the rule. So I must shut off the light I was shedding on the operations of the committee. [Laughter.] I must omit to tell you what actually took place. But let me lift the curtain and let my imagination come into play. Let me imagine that the chairman was not satisfied with what happened the day before and that the next morning he brought in the Secretary of War, Secretary of Agriculture, and somebody else to expound the bill. Oh, no! But the same faithful and dependable witness, Mr. Merrill, who could be relied upon to support his own bill. So we had another round on it. That was all there was. We never gave the bill the consideration which any measure was entitled to.

That was on Saturday, yet the report on the bill was not available until we met this morning. The hearings have not been read even by any member of the committee because they were not available until we came into the House to-day.

Why rush this bill through? What is the reason? Who is back of it? "Oh, we must have something to do on Calendar Wednesday." It would not do for a great committee like the Interstate Commerce Committee to say, "Mr. Speaker, we have nothing to present; we must be passed." [Laughter.]

Mr. BOYLAN. Has not that committee some coal bills that it could report out?

Mr. HUDDLESTON. Oh, yes; we have bushels of bills—mostly bad—before our committee. I do not know, but I had about as leave take up the time with this kind of a bill as others which may be worse.

Now, by reading the bill you would never realize that it was an amendment to the water power act. You will not get that

out of it. The chief function of Congress, as it seems, is to pass bills at the behest of bureaucrats, to further develop their activities, to increase their authority, to extend their powers, and, of course, to give them more pay and more influence. Sometimes it is felt necessary when Congress is to perform this important function—it is felt that it would not be expedient to come squarely up to the face of Congress to put the bridle on. So they slip up "on the blind side," twist their fingers in our forelock, and the first thing we know we are haltered and tied. [Laughter.]

In a measure of this kind they do not usually disclose their full purpose. They do not tell us what is now the law nor exactly what they are trying to do.

Now, this bill, though carefully disguised, is really an amendment to the water power act. I want to read a little of that act.

SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of \$5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as an engineer officer, his duties to be prescribed by the commission.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

Take note that the commission has no staff of its own, but is required to use the personnel of the departments named. That is the law as it stands now. As the law will stand, with this bill passed, that provision will be repealed. Instead of a personnel belonging to those three departments doing the work of the Federal Power Commission, we will have a separate and independent bureau with its own staff and its own officers. And I venture to say that there are few bureaus which will enjoy the powers that this bureau will have when this bill becomes a law. Beginning with line 11, page 2, the bill provides:

The commission is also authorized to employ, subject to the civil service laws, for such purposes in the District of Columbia and elsewhere such experts, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto.

That will be the scope of the staff of this bureau when once this bill is passed.

I invite Members to read the part of the bill that is stricken out by the committee. Oh, the committee did have some little gumption. They did not exactly swallow the bill like a trout swallows an artificial fly. Beginning on line 10, page 3, of the bill, they struck out that provision which converted all of the revenues of the power commission into a separate fund in the Treasury. Note that clause carefully. There was created by that part of the bill, as it came to the committee, a separate fund in the Treasury, and the commission was authorized by the part of the bill beginning on line 19, page 2, to use that fund in the payment of the expenses of its operations. I read a few moments ago a clause from the bill beginning on line 11, page 2. Now, skipping now to line 17, page 2, after providing for the payment of this technical staff, the bill provides in line 18—

and to make other expenditures requisite and incident thereto.

Then it proceeds to provide—

All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding \$6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose.

Take note of just what the provisions of the bill were. By the clause beginning with line 10, page 3, a separate fund was created and placed in the Treasury to the credit of the commission, and here in this clause is an authorization for the commission to make payments from that fund on presentation of vouchers. I submit that the real purpose and intent of the bill



as presented to the committee was to evade the law, and to permit these payments to be made without the authorization of Congress.

That was the real purpose of it. Whether it would have had that effect I very much doubt, but it was so constructed as to eliminate the Committee on Appropriations entirely out of the picture. Nowhere in the bill is it said that these expenditures shall be "authorized," but it does say that they shall be paid, and be paid from a certain fund. What was that for?

Had the bill been drafted by an ordinary Member of Congress, I should think that it was just merely a mistake, an evidence of ignorance, but the bill was written by somebody who wrote it very carefully and designedly. Every clause in it was put in there for a purpose. For what purpose was that clause put in if not to authorize the commission to use this special fund for the purpose of carrying on its activities?

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. MADDEN. I propose to offer an amendment which will compel these people to come in and review and state all of their activities to the Committee on Appropriations before they get any money in the future if the bill should become a law.

Mr. HUDDLESTON. I do not doubt that this bill is susceptible of amendments to be offered by patriotic gentlemen which would remove a great many stingers that are now in it. Let me suggest to all of you that you examine it with the very greatest care and pluck out these jokers wherever possible. [Applause.]

Mr. PARKER. Mr. Chairman, I yield five minutes to myself. The gentleman from Alabama saw fit in a rather humorous way to criticize the action of the committee, of which I happen to be chairman. That is a mere matter of opinion—the opinion of the gentleman from Alabama and the opinion of myself. He has a perfect right to his opinion and I assume that I have a right to mine. So that we will stop that discussion right there.

What are the facts about the bill? We do not change the water power law one atom, so far as it affects the control of water power in this country. The Secretary of War has been to see me many times regarding the personnel employed by the Water Power Commission. At the present time, how are they paid? They are not paid by any appropriation that is given to the Water Power Commission. They are paid out of the appropriations made for the War Department, for the Department of Agriculture, and for the Department of the Interior, and there is absolutely no way by which those departments can get that money back. Somebody here said that they had heard of no applications being made for an increase in the personnel. Naturally not. The Secretary of Agriculture, the Secretary of War, and the Secretary of the Interior would not be willing to detail men from their departments to be paid out of their appropriations to some other department. Those are the facts. There is a provision in the law which will go into effect on the 1st day of July, 1928, whereby there is an appropriation made for the Water Power Commission, and this can be paid by the War Department going to the Water Power Commission and giving it a bill for services, and providing also that the Interior Department and the Agricultural Department can render the Water Power Commission a bill for services and be reimbursed. That will go into effect on the 1st day of July.

Now, so far as the personnel of this bill is concerned, I know very little about the Water Power Commission, and it is true that the testimony before us is the testimony of a man who is decidedly interested and probably the head of the bureau. But let me ask you in all sincerity and in all humility to whom would you go to ask what was needed unless it was the man who is running the show?

Mr. SCHAFER. Does this man, Mr. Merrill, run the entire water-power show?

Mr. PARKER. I think so.

Mr. SCHAFER. In that case we had better abolish the commission.

Mr. PARKER. When I said that I do not assume that the Secretary of War or the Secretary of the Interior or the Secretary of Agriculture gives any particular amount of time to the personnel or employees of that bureau—

Mr. SCHAFER. Does this man singly and alone determine whether or not these power permits should be issued?

Mr. PARKER. I am not talking about that. I am not talking about the policy. I was talking about the personnel and the mechanics of running the bureau.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. BYRNS. I do not know whether I understood the gentleman correctly, but I understand the gentleman to say that

these gentlemen, the heads of the Water Power Commission, declined to furnish the clerical force necessary.

Mr. PARKER. I said they hesitated.

Mr. BYRNS. But the law imposes that duty upon them, and heretofore the commission has been supplied with the necessary personnel, and now an appropriation has been made.

Mr. PARKER. If I said "they declined" I used a word I should not have used. I should not have used it when I said "they declined."

Mr. BYRNS. I do not know for sure that the gentleman used it.

Mr. PARKER. I think I should not have used it. I do not think they have declined.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. PEERY].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. DEMPSEY. Mr. Chairman, will the gentleman from Virginia yield for a brief question before he starts?

Mr. PEERY. Certainly.

Mr. DEMPSEY. My understanding has always been that the expenses of this commission and the salaries of these clerks were paid by assessments for licenses on these water-power companies. We do not have to appropriate for that purpose, but the income of the commission, including the salaries of the employees, came from the licenses that these water-power companies paid?

Mr. PEERY. That is true.

Mr. DEMPSEY. It is something reckoned on the horsepower?

Mr. PEERY. I do not understand that there is any fixed basis on which these fees are levied.

Mr. DEMPSEY. I think it is fixed at a certain rate per horsepower, and I think that has been abundant so far for the purposes of this commission. Then what is the necessity, if the commission has been self-sustaining up to this time?

Mr. VINSON of Kentucky. My understanding is that they have not been self-sustaining and are not at this time.

Mr. PEERY. Mr. Chairman and gentlemen of the committee, I am in sympathy with the purposes underlying the Federal Power Commission. I think it was intended to serve a useful purpose. But I think the rights of the Federal Government should be strictly confined, so that we may know definitely and confine the activities of the Federal Government to the things with which the Federal Government should be concerned, and leave to the States their activities in matters in which the States are primarily concerned.

Now, what is the situation? Under the Federal water power act there is an overlapping and a duplication of agencies. The Federal Government is investigating power projects throughout the country even in cases where it could hardly be contended that the Federal Government had any power or any rights, where it is clearly a State function.

We are told that when this act was passed it was definitely understood that no new bureau should be set up. I presume it was then reasoned that with the Secretary of Agriculture on this commission and the Secretary of War and the Secretary of the Interior, the activities of the Government with reference to the matters in which the Federal Government was interested would be correlated; the War Department would look after questions involving power plants which would affect navigation, that the Secretary of the Interior would look after the rights of the Federal Government where the public lands were involved, and likewise that the Secretary of Agriculture would look after the rights of the Federal Government in safeguarding the forestry interests, which are under the control of the Department of Agriculture.

Now, the constitutionality of this act has not yet been passed upon, and we have this duplication of agencies. In this connection the gentleman from Connecticut [Mr. MERRITT] asks if the income from these power projects, from the licensees, was not more than sufficient to pay the cost of operating the commission? I think in the hearings it is stated that they do more than meet the costs. But that is a specious argument in support of a bureau. If we are getting income from the use of the Government lands, why should we spend that income, the full amount of it, in the upkeep of a bureau? Why not turn it into the Treasury of the United States so that the taxpayers will get the benefit of it?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RAYBURN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. MERRITT. Will the gentleman yield?

Mr. PEERY. Yes.

Mr. MERRITT. The gentleman understands that those fees do go into the Treasury now and can not get out without appropriation?

Mr. PEERY. I understand that, and I do not contend that under this bill they can get them out without going to the Appropriations Committee. But it is the argument that every additional bureau uses; that where there is an income from a special source and they are not using the full amount of it, the inevitable tendency is for the bureau to increase its personnel and add to the men in the employment of the bureau up to the full amount of the income from that particular department or activity of the Government.

We know that this bill gives the Federal Power Commission the authority to go ahead and employ additional personnel.

We asked the executive secretary about the practical working of it. Under the law he is compelled to go to these three departments to get the personnel for his bureau. He said he had difficulty in doing that, but I am sure that when the Secretary of War, a member of this commission, asks his department to give him an additional detail there will be no great difficulty about it. The same is true as to the Secretary of Agriculture and as to the Secretary of the Interior. When the heads of these three departments, who constitute the Power Commission, are convinced that additional men should be detailed to the Power Commission it would seem that they could provide that such personnel be given to this commission. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. PARKER. Mr. Chairman, may I ask how the time stands on both sides?

The CHAIRMAN. The gentleman from New York has 14 minutes, and the gentleman from Texas has 9 minutes.

Mr. PARKER. There will not be more than one speaker on this side.

Mr. RAYBURN. And we will have only one more speaker.

Mr. PARKER. I think I am entitled to close the debate.

Mr. RAYBURN. Mr. Chairman, I will take such of my nine minutes as I desire to use.

Mr. Chairman and gentlemen of the committee, we now stand face to face with the real purpose that is behind this measure. I made the statement this morning that our hearings were in executive session. I was partially mistaken about that, as I afterwards stated to the gentleman from New York [Mr. PARKER]. Friday the hearings we held were in open session and they were taken down by a stenographer. On Saturday, however, there was no stenographer present, and the matter about which the gentleman from Alabama [Mr. McDuffie] spoke was referred to, namely, that this matter had been before the Rivers and Harbors Committee. I asked the executive secretary of the commission about that, and he stated that it had never been before the Rivers and Harbors Committee.

We might as well be frank about this matter. They talk about the checks and balances that are on this commission with reference to the employment of clerks, experts, and so forth, and that we have the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture to look after this commission. Now, everybody who knows anything about the work of the Federal Power Commission knows that the Federal Power Commission is a civil-service employee, designated as the executive secretary of this commission, Mr. Merrill. The gentleman from New York [Mr. PARKER], always honest, always frank, and always candid in the House and out of it, admitted to the gentleman from Tennessee that this man Merrill, the civil-service employee of the Government, is the Power Commission, and that the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture have nothing whatever to do with it except in a most general way. Anybody who says that they do any of the work of this commission is stating something that is not really so.

Mr. PARKER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. PARKER. I know the gentleman does not want to misquote me. I said that was so as far as the mechanical part of the commission was concerned. I said that the matter of policy was, of course, governed by the Secretaries, but that as far as the mechanical work of the commission was concerned Mr. Merrill did the whole thing.

Mr. RAYBURN. The gentleman does not contend that he thinks the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture devote any appreciable amount of time to this work?

Mr. PARKER. I will agree with the gentleman except as to laying down the policy.

Mr. RAYBURN. The policy we have here is laid down by Congress and the execution of that policy is carried on by this civil-service employee, known as the executive secretary of the commission, Mr. Merrill.

Mr. DEMPSEY. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. DEMPSEY. I will say that my experience has been in the main and practically entirely in accordance with the gentleman's statement, but when there is a contested question, a real contest, then the three Secretaries do sit and determine the question. That arises very rarely, but it has arisen in my experience.

Mr. RAYBURN. That is just like a man and his wife, in which the man said his wife settled all minor questions, and said, "We have never had any major questions arise between us." [Laughter.] That is exactly the way with these three Secretaries setting the policy and doing any of the work of this commission.

Mr. DEMPSEY. I did not say they set the policy, but I say occasionally when there is a real dispute they do sit and determine the dispute.

Mr. RAYBURN. Maybe so. Now, another thing. We might as well face the proposition that this is a bill to get the camel's nose under the tent. When we passed the power act, of course everybody understood and everybody knew it provided how this should be done and that this should not be an independent bureau. But this man Merrill is an ambitious individual. He is not any too modest, either, as you will see when you examine the bill he has had introduced, which he had passed in the Senate at the last session of Congress and which he is trying to pass here to-day.

It is to give him more power, more men, more tools with which to work and to make himself bigger and greater when he comes before the Committee on Appropriations.

We get up here, and amendments to appropriation bills go off because they are not authorized by law. There is no law under which the appropriation can be made if the point of order is made, but when you pass this bill, this gentleman can go ahead and contract for these employees—and you do not get experts like he is talking about in this bill for any small salary—then he can come before the Congress and the Congress in honor, after you pass this bill, is bound to make the appropriation to pay the bills that he has contracted by the employment of these civil-service employees and by the employment of these experts.

Mr. UNDERHILL. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. UNDERHILL. It has been said on the floor that this bureau is self-sustaining; where do they get the money?

Mr. RAYBURN. They get some money from licenses, and they go into first one fund and then another.

Mr. UNDERHILL. Who pays for the licenses? Eventually does it not come back on the consumer?

Mr. RAYBURN. Oh, yes.

Mr. UNDERHILL. In other words, the corporation or the individual hires his own engineer and his own force of workmen, and then he must take on a lot of Government employees and pay them out of the receipts he gets from the public.

Mr. RAYBURN. Absolutely. In other words, if this bill is passed in the form in which it is presented by the committee, even with the very good amendment that the committee added by striking out nearly half of the bill—if they had stricken out the enacting clause this would have been a fairly good bill [laughter]—but under the language of this bill as reported to the House there is no limitation whatever in law upon the number of employees that this man, who is the executive secretary of the commission, can employ—not any whatever.

As I said this morning, practically every day somebody gets up and talks about some bureau of the Government, stating that he will never vote to inaugurate another one or that he is not going to vote to extend the power of the ones that are now in operation, but that is always when there is not a bill up to create another bureau or to extend the power of one that is already in existence.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HILL of Alabama. Did Mr. Merrill, when he was before the gentleman's committee, point out any specific cases wherein the commission had been unable to carry out its duties under the Federal water power act due to the fact that it did not have any of these employees?

Mr. RAYBURN. He made a general statement, of course, like they all do, and just like every bureau of the Government does when you go down to them and want some hurry about some matter—they all say, "Go up on the hill and talk to Congress; they are to blame; they do not give us enough money to employ the men to carry on the activities as they should be."



Mr. HILL of Alabama. He did not state any particular cases where there had been items of cost that the commission had not been able to investigate due to the fact that the commission did not have a sufficient number of employees or auditors or engineers to do the work.

Mr. RAYBURN. If he did, I do not remember it. We had a short hearing in the committee and Mr. Merrill, of course, was the only man who appeared before us.

My objection to this bill is that we are creating and expanding another bureau; that we are giving this civil-service employee, who is the head or the executive officer, power to go out anywhere and employ all of the help that he himself deems necessary.

Mr. PARKER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman and gentlemen of the committee, I am strongly in favor of the passage of this bill, and I can not understand the opposition which has developed to it. I regard it as necessary for the prompt and efficient utilization of the water power of the country, and that is of very great importance.

Although I am somewhat rusty on the subject, for 20 years I was in close touch with this question of rights relating to water power. It was at first asserted that the rights belonged to the riparian owner and that the Government of the United States had little, if anything, to say about it, provided obstacles to navigation were not created.

Again, there was maintained the idea that it was exclusively a State matter. In the decision of the Chandler-Dunbar case, rendered in about 1913, in Two hundred and twenty-ninth United States Supreme Court Reports, these contentions were brushed aside and it was definitely established that the Federal Government, under its control over navigable streams, had the right to grant or refuse licenses for water power, and this led to the control of the whole subject.

Indeed, I was in consultation with two very eminent lawyers in the Senate, Elihu Root and Mr. Cummins, of Iowa, in which we reached the conclusion that the right to control navigation extended to nonnavigable streams. For instance, suppose it is suggested that a certain depth for navigation should be obtained in the Hudson River. That greater depth could be obtained by dredging or by allowing the free flow of tributary streams into the river. In securing this object of greater depth the Congress might have the right to prevent the diversion of water in any of these tributary streams. Really, I can come to no other conclusion in this regard. It is very broad and sweeping.

Thus the Government, first, under the leadership of Mr. Stimson, recently appointed Governor General of the Philippines, when Secretary of War, sought to establish the principle that no rights should be granted to build dams in any stream except with a Federal license.

In this discussion he was supported by other officials of the Government—by President Taft, an eminent lawyer—and the conclusion that the Federal Government has the right to refuse licenses has been universally accepted.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. DEMPSEY. As I understand that right has been challenged very recently in a suit that was about to be completed by argument in the Supreme Court when some sort of a compromise was reached and it was withdrawn.

Mr. BURTON. They have had eight years to raise the question.

Mr. DEMPSEY. This was in a suit about six months ago.

Mr. BURTON. It is singular that no one has questioned and brought to the court of last resort for decision this water power act for it is certainly in accordance with the prior decisions of the Supreme Court of the United States.

Mr. DEMPSEY. I am in accord with the gentleman's contention, but I was simply calling his attention to the fact of this suit.

Mr. SINNOTT. Will the gentleman yield?

Mr. BURTON. I will.

Mr. SINNOTT. The gentleman has referred to the Chandler-Dunbar decision. As I recollect that decision the court held that where the Government has put in a dam for navigation purposes the Supreme Court saw no objection to the—

Mr. BURTON. The Federal Government did not put in the dam, it was put in by a company, but the decision is broad and sweeping.

Now, I have examined the Fox River case alluded to by the gentleman from Tennessee [Mr. GARRETT]. That does not present any obstacle to the power of the Government. What was that case?

Certain proprietors had a dam and they sought to repair it. There was a State statute that provided that no dam should be constructed without the consent of the State. The State also maintained that there could be no renovation or repair of the dam without application of that statute. The Supreme Court of the State of Wisconsin sustained that contention. It was taken to the Supreme Court of the United States and they sustained the contention that the riparian owner did not have the right to construct the dam without the consent of the State, and reasoning from the lesser to the greater, certainly we can argue that if that is the case the Federal Government having control of navigable streams has a right as great as the State.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. GARRETT of Tennessee. The importance of that was that they upheld the right of the public utilities commission and that it would be giving the commission powers that would be in conflict with some of the provisions of the water power act.

Mr. BURTON. No; not in conflict with the water power act. It was as to the right of the State against the riparian owners.

It is especially desirable that this great question of water power, which is a national question, an interstate question, should be under the control of the Federal Government. I must emphatically criticize those who rise here and are so strong for the improvement of rivers and harbors, who are for the payment by the Federal Government of the total cost of the management of the Mississippi River, but when it comes to the control of water power claim that it must go to the States. In other words, where there is a burden the Federal Government must bear it, but where there is an advantage it belongs to the States. [Applause.] I am not in favor of any such doctrine as that.

Mr. MONTAGUE. Will the gentleman yield?

Mr. BURTON. I will.

Mr. MONTAGUE. Does this bill controvert at all the position taken by the gentleman; is not this bill a mere administrative proposition?

Mr. BURTON. It is.

Mr. MONTAGUE. It does not touch the great principle that this gentleman is talking about?

Mr. BURTON. No. Now, coming to this bill it does not change at all the principles of the bill adopted in 1920 that has had such salutary results. What is the reason of this reluctance, almost a refusal of the War Department, the Interior Department, and the Agricultural Department to furnish the necessary help. It is their inability to furnish the necessary force for the commission. What do you suppose they did in one case when called upon for an expert? They detailed a man from a bureau in the Agricultural Department for the eradication of the Japanese beetle. They have had to scour the department, and the authorities have sometimes gone outside of the department and done just what this commission would do—engage persons on the outside to do the work.

I want to point out how dangerous it is if you let this go by.

There are 136 applications for the construction of dams now pending with a capacity of 14,690,000 horsepower, and those are held back. Some of them have been pending for five years because the commission has not force enough to dispose of them. There is a more important matter yet.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. SNELL. Has the gentleman any information that the commission has asked for help when it has not been granted to them?

Mr. BURTON. Yes.

Mr. SNELL. I would like to have that information.

Mr. BURTON. There has been constantly a request for more assistance. There has not been an absolute refusal, but they have said that their force is insufficient, and that they have not the men to do the work. What is the class of work that must be done? Under the water power act of 1920 the Government has the right of recapture at the end of 50 years. In order that the Government may not be defrauded it is necessary that there be an appraisal right now of how much capital is being invested by these different licensees. It has been necessary to absolutely neglect that and so we are in this position, that we are allowing these dams to be constructed for which we have the option to pay and would naturally pay, without any adequate appraisalment of their value.

Mr. McDUFFIE rose.

Mr. BURTON. I must decline to yield further. Then, again there is the question of fixing the price to consumers. While it is true that if a State has a commission, and they do not all

have them, then and in that case the State may fix the rates; if the State does not act or has no commission the Federal commission must act.

There is no adequate force to fix the rates. Oh, how much I have heard against bureaus and how many I have seen voting for bureaus! What are the facts? This House and the Congress here are staggering under a weight of legislation that is impossible to carry, and we have got to transfer it, more and more, to departments or commissions, to bureaus, or branches of the Government, I do not care what you call them. This does not really create any new bureau. Are we so afraid that insidiously Mr. Merrill will creep upon us and bring in a great mass of employees when it is all under our control? Two hundred and thirty thousand dollars a year is the revenue obtained from these licenses. One hundred thousand dollars is regarded as the probable cost of the services of the men detailed from the departments, and it is thought that there ought to be a further expenditure of \$60,000, making \$160,000 against an income of \$230,000. If this bill were passed, there would be a very considerable increase in the revenues. I am frank to say that I have no desire to censure anybody, but I never knew greater rapacity than was exercised by some of those who were grabbing for water power, desiring to make it free from the control of the Government, free, without any regard to the interests of the people. The gentleman from Pennsylvania says that under this bill we would have civil-service employees whom a corporation would not employ. Of course, officers of a corporation would not employ them because they would know that they would be just and look out for the interest of the Government. I trust that this bill will pass.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That hereafter the Federal Power Commission may request the President of the United States to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, their duties to be prescribed by the commission; and such detail is hereby authorized, as well as the detail, assignment, or transfer to the commission of any other persons in or under the Departments of War, Interior, and Agriculture who are engaged in duties which are conferred upon the commission by the Federal water power act. In the performance of the duties imposed upon it by the Federal water power act, as hereby or hereafter amended, the commission shall utilize, in so far as practicable, the facilities and personnel of the Departments of War, Interior, and Agriculture, and said departments are hereby authorized to utilize their facilities and personnel, civil and military, for said purposes, and to employ additional personnel therefor when necessary. The commission is also authorized to employ for such purposes in the District of Columbia and elsewhere such expert, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto. All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding \$6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose. In order to defray the expenses made necessary in the performance of the duties placed upon the commission and upon other Government departments or agencies under the Federal water power act as hereby or hereafter amended, all charges collected from licenses under said act on and after January 1, 1928, for the purpose of reimbursing the United States for the costs of administration of said act and for recompensing it for the use of Government dams and structures and lands pertaining thereto, are hereby reserved as a special fund in the Treasury to be appropriated from time to time for the purposes specified herein; and the commission is hereby authorized, to the extent that moneys are so appropriated from said fund, to cause to be transferred on the books of the Treasury from such special fund to "Miscellaneous receipts," or to permanent and indefinite or other departmental appropriations or funds, such amounts as may be required to defray salaries or expenses hereafter paid or incurred by other

Government departments or agencies in the performance of work for the commission.

With the following committee amendments:

Page 2, line 10, after the word "employ," insert the words "subject to the civil service laws"; and on line 12, page 2, after the word "employ," insert the words "subject to the civil service laws."

Page 3, line 10, after the word "purpose," strike out the remainder of the bill.

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word. I suppose I am like about two-thirds of the membership of this House. I know absolutely nothing about what we are about to vote upon except what we have heard here, controversial as it is, from both sides. The distinguished gentleman from Illinois took me to task a while ago when I suggested that we had moved up Calendar Wednesday to Tuesday. I did not mean any disrespect to the gentleman. I have a very high regard for him. But the only way a Member of this House knows what is going on and what is to be the program of business is either by reading the RECORD or calling up the majority leader's room, or by looking at the bulletin out in the corridor to see what is the program for the next day. Yesterday when we left, the program which was outlined to be considered was the Navy appropriation bill. Yesterday afternoon when the House was considering the Consent Calendar, when there were but few Members on the floor, the majority leader asked unanimous consent that Calendar Wednesday business should be taken up; not on Thursday or Friday, but to-day, Tuesday. Then this committee comes in here with a very controversial bill, a bill that has divided the great Committee on Interstate and Foreign Commerce, involving the question of establishing a great bureau—setting up a very powerful bureau—and if the gentleman from Ohio [Mr. BURTON] is to be believed, involving an attempt to absolutely take away from the States the power to have any say, purely within their own boundaries, upon the question of whether or not a man can build an ordinary dam or dams.

Now, when I did make the observation about making Tuesday Calendar Wednesday it was made in good faith. I appreciate fully what leadership means in this House. I appreciate fully the power of the majority leader, and I have great respect for him. I appreciate what the action of committees mean. But, gentlemen, it takes 435 Members to make up the membership of this House, and it takes 218 here to make a quorum; and if you expect the membership to know anything about what is going on it does seem to me that these changes, when made, should be given more publicity, and when I brought the question forcibly to the attention of the House that we had run up Calendar Wednesday to Tuesday and hurriedly brought up a very controversial bill, it is something worthy of serious consideration by the House.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. NEWTON. All that I think could be inferred from the gentleman's remarks was that he was casting a reflection on the committee in having the day advanced to Tuesday. The committee had nothing to do with it.

Mr. ABERNETHY. No; I did not intend that. I have great respect for this House and its membership and the great committee. I do not want to cast any reflection on anybody. But I say that I think the average Member who is not on one of these large committees can not rely on the orderly procedure of the House when Wednesday does not mean Wednesday but Tuesday.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. COLE of Iowa. Was it your purpose to devote all the day to this bill?

Mr. ABERNETHY. No. But I assumed we would have an opportunity for discussion to-morrow; and when I hear leaders on our side and some on your side say this bill ought not to be brought up this way, I ask, why should this bill be taken up on Tuesday when it should come up regularly on Wednesday? Have we got to set up this great bureau and establish a lot of bureaucrats here in a day's time and not be willing to wait for the regular day to do it, but do it on Tuesday instead of on Wednesday? I say it is very premature. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, as I recall, this Water Power Commission was created in 1920.



Either at the first session or at the second session, after the creation of this commission, the secretary appeared before the Committee on Appropriations, the subcommittee on independent offices, and asked at that time to set up an entire independent piece of machinery. Under the original act all of the necessary force was to be provided by the Department of Agriculture, the Interior Department, and the War Department. The Committee on Appropriations very promptly turned down the request of the secretary, the secretary being the only one who is paid by an independent appropriation.

From that time to this there has been no controversy on the subject before the Committee on Appropriations, and there has been no further request to make this a purely independent establishment. So far as I know, and so far as the investigations had before the committee are concerned, they are getting along very well in the conduct of the business of this bureau. It is just another one of these attempts to establish an independent bureau which was meant simply to serve as an adjunct to some one or more of the departments. More than 90 out of every 100 of these independent bureaus started just as this one started and afterwards developed into an independent office.

So far as the executive work is concerned, it is performed by the executive secretary, and the necessary force has been supplied by the three departments named. If it is a requirement concerning which the Department of Agriculture has peculiar knowledge, the Agricultural Department furnishes the employees. If it is something concerning the Interior Department, that department furnishes the force, and the same with regard to the War Department.

Mr. BURTON. Does not the gentleman realize that in this work of valuing property expert accountants are required, who are not found even in the War Department or the Agriculture or Interior Departments? They are not in the departments. You have to go outside for them.

Mr. WOOD. I expect if you would appeal to either one of these departments they would tell you they have splendid experts to do this work; and, as a matter of fact, there has been no question of that character that has come before the committee. We have been told at each recurring session of Congress that all the service that has been necessary has been furnished by these three departments, so that we need not fool ourselves about this or further disguise the attempt that is being made.

Mr. VINSON of Kentucky. I would call the attention of the gentleman to the fact that in the preparation of the independent offices appropriation bill for the fiscal year 1929 that the very thing was done in the bill as it passed the House—that is, authorized in this bill in so far as the transfer of the personnel from the War, Interior, and Agriculture Departments are concerned. The appropriation for the next fiscal year as it passed the House would be under the control of the Federal Power Commission itself.

Mr. WOOD. The gentleman is right. The expenses of this commission were paid out of the various departments in proportion to the amount of work they did, respectively. The present bill providing for the independent offices is now in conference, and it provides that an appropriation shall be made directly to this commission to pay the persons employed in this bureau, and a deduction is to be made from each department in proportion to the service furnished.

Now, this bill is so drawn as to give to this commission the right to employ all their help, and the independent offices appropriation bill now pending is the last appropriation bill in which there will ever be a provision for the payment of engineers or the Interior Department force, or the Agriculture Department force. Hereafter they will be making the appeal directly to the Committee on Appropriations for all the service required by this commission, and the institution will grow like a mushroom.

Mr. BURTON. The gentleman is entirely in error about that. The greater part of the force, the engineers and others, would still be detailed from the War Department and the other departments—this special class of employees.

Mr. WOOD. And that is the thing I am against.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. WOOD. There will be but very little time until a sufficient showing will be made whereby they can not afford to delegate men from the War Department, from the Agricultural Department, or from the Department of the Interior, and they will be employing experts everywhere; they will be employing

expert engineers and they will be employing expert judges of crops, and so on; they will be employing experts in every direction, thus augmenting, if you please, the burden on the taxpayer. I think there are plenty of idle persons in the War Department, I think there are plenty of men in the Interior Department, and I think there are plenty in the Agricultural Department to do all the work that is required of them under this organic law.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HUDDLESTON. Has Mr. Merrill made any complaint to the Committee on Appropriations that he did not have help enough and have you refused to give him help?

Mr. WOOD. He has never made any such complaint; but, as I say, he did try, either the first or second session after this commission was authorized, to make it an independent bureau, but when it was refused there was no complaint made.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. Does not the gentleman think that the bill under discussion at this time is the authorization which the Federal Power Commission thinks is necessary to be had in order to justify the appropriation which was made?

Mr. WOOD. There is no doubt about the justification of the appropriation, but there is no justification for this law being changed so as to take away from these departments the right to detail all the personnel that is necessary.

Mr. VINSON of Kentucky. Unless an authorization is needed, they now have in part what they seek to secure under the bill. If an authorization is not needed, of course, it is unnecessary to discuss it.

Mr. WOOD. It is purely a change of management, an effort to establish another entirely independent bureau.

The CHAIRMAN. The time of the gentleman from Indiana has again expired. Without objection, the pro forma amendment will be withdrawn, and the question is on the committee amendments.

The committee amendments were agreed to.

Mr. SNELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 2, line 6, after the word "utilize," strike out "in so far as practicable."

Mr. SNELL. Mr. Chairman, I do not want to take very much time in further discussing this amendment, but I want to make this thing clear, that if the amendment which I have offered and another one similar to it are adopted, they will not in any way change the policy of the Federal Power Commission or in any way retard the passing on applications. The only thing this amendment does is to carry out the intent of the original Federal power act in not creating a special bureau for that purpose. That is the only thing that my amendments do. It is purely a matter of administration and not of policy.

When we passed the original act I was opposed, as was the great majority of Members, to establishing a new and separate bureau to administer it. I am still of the same opinion. In this bill there is no limitation on the amount of help this commission can have from the other departments. I want them to have all that is necessary to do well the work required and expected, and the provisions of this bill will provide for it. The only thing I am opposed to at this time is a special new and independent bureau.

Mr. BURTNESSE. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BURTNESSE. I would ask the gentleman to indicate what his other amendment is so that we may discuss both amendments at the same time.

Mr. SNELL. I will ask the Clerk to read both of my amendments.

The CHAIRMAN. Without objection, the Clerk will report the amendments.

There was no objection.

The Clerk read as follows:

First amendment offered by Mr. SNELL: Page 2, line 6, after the word "utilize," strike out the words "in so far as practicable."

Second amendment offered by Mr. SNELL: Page 2, line 11, after the word "necessary," strike out the balance of the line and down to and including the word "thereto," in line 19.

Mr. BURTNESSE. Mr. Chairman and gentlemen of the committee, it seems to me that the amendment so far proposed by the gentleman from New York is either entirely meaningless or else it is ridiculous. If you take out the words "in so far as practicable" alone, and if you leave the rest of the paragraph, then I presume the construction of the whole bill would be

identical with or without this specific language, for you would still have a specific legislative mandate to the effect that the Federal Power Commission shall utilize the facilities and the employees of these three different Departments of War, Agriculture, and Interior, and you would still have the further specific mandate that it might employ additional persons directly.

Mr. SNELL. Will the gentleman yield for a question?

Mr. BURTNESS. No. I have so little time I can not yield.

Mr. SNELL. I yielded to the gentleman, and I want to make myself clear.

Mr. BURTNESS. In that event I will be glad to yield to the gentleman.

Mr. SNELL. If you adopt my amendment, where would you give them authority to employ persons directly?

Mr. BURTNESS. Well, I have discussed so far only the first amendment, the one now pending. Of course, when it comes to the second amendment, which the gentleman is going to offer later, then you take the entire heart out of this bill, and it might as well not be passed at all. You might then just as well strike out the enacting clause. I am just putting the situation frankly before you so all may see just what is involved and not discussing particularly at this time the merits of the amendments. I doubt whether the first amendment standing alone affects the bill at all. If you adopt both you will, as I suggest, cut out the heart of the bill.

Of course, if we wanted to be at all technical about the first proposition of the gentleman from New York, who wants the words "in so far as practicable" eliminated, we might then ask him whether he insists that these men shall be employed from the Department of Agriculture, from the War Department, and from the Interior Department, even though it is impracticable to appoint such people.

Mr. SNELL. Will the gentleman yield?

Mr. BURTNESS. In a moment.

The purpose of the bill is to say to the Federal Power Commission that whenever it is appropriate, whenever it is practicable to do so, whenever it is best to do so, their employees shall come from these three departments, but when the time comes when it is not practicable, when it is not in the interest of good business to do so, then a governmental agency ought to have the same opportunity to go out and do business in a businesslike way, the same as a private corporation, and select its employees for their special fitness for the job to be done. On the whole, I do not think this bill is of great importance one way or the other, but many unwarranted assertions have been made as to its results.

As I see this bill, in its ultimate essence it is this: If this bill is passed, in so far as the special employees, special accountants, and the like, are concerned, those that have been referred to, let us see what the Power Commission would have to do under this bill in comparison with what they do now. They would have to go in and make their case before one specific subcommittee of the Committee on Appropriations which knows more about the Federal Power Commission and its work than any other subcommittee. They would have to submit their case, in other words, to our good friend the gentleman from Indiana [Mr. Wood] and his subcommittee, instead of proceeding as they are doing now, coming in and getting this help piecemeal, asking for some of these employees from the subcommittee on agriculture, of which the gentleman from Iowa [Mr. Dickinson] is chairman, some more of them from the committee that handles the Interior bill, headed by the gentleman from Michigan [Mr. Cramton], and some more from the committee that handles the Army bill, headed by the gentleman from California [Mr. Barbour]. It seems to me this is an entirely inconsistent and improper method.

Why not put the responsibility upon an independent bureau of this sort where it belongs; and it is an independent bureau, whether you call it that or not. It is a mighty small one, it is true, but why not put the responsibility of making this bureau present its own case to the subcommittee which handles the appropriations for the rest of the independent offices? I do not think there is any danger that the gentleman from Indiana and the other able men upon that subcommittee are going to let this man Merrill or anybody else run away with their good judgment or run away with the judgment of the House. Why bother several committees who will treat the items as a side line, more or less?

Mr. BURTON. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. BURTON. Is it not true now that these men detailed from the respective departments are brought in from outside their regular force?

Mr. BURTNESS. I do not know positively about that, but that is probably true. In any event, let us make these men

employees of the bureau for whom they work, and that will tend to make them more loyal to that bureau.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. DEMPSEY. Mr. Chairman and gentlemen, first of all let me state that the gentleman from Ohio misunderstood me in thinking that I am opposed to the general water power bill. I think there has not been a more beneficent piece of legislation enacted by the Congress in the last quarter of a century than that bill. I simply had some doubt as to the entire extent of the power of Congress as the gentleman elucidated it; but that is not in question here.

The question here is simply one of whether we shall establish an independent bureau with all the increase of growth of employees and expense which that means. This is the sole question involved, and in discussing this question I want to say that my experience with Mr. Merrill has been that he is a conscientious, hard-working Government official, and I have no criticism of him personally.

However, I do think we should give the weight to the water power act as it was enacted and stands which its great success merits. I do not believe we should rush madly or inconsiderately into amendments. I pay a higher respect to the act even than the gentleman from Ohio. The underlying purpose of the act was to administer it through these three departments and not to have a separate bureau. It has worked splendidly. The growth of water-power development in the United States has been phenomenal since we enacted this law. It has worked perfectly in every way and increasingly well year by year. What is the purpose, then, in changing it? How are we going to improve it?

The gentleman from Ohio asked the gentleman from Indiana if we would not need additional employees. If we do need them the three departments which exercise control have the right under the law to employ these men.

Mr. BURTNESS. Will the gentleman yield?

Mr. DEMPSEY. In a moment.

There never was a time when this bill was less necessary than now because this House in a far-seeing, broad-minded way, has enacted legislation by which we are expending \$7,000,000 in a survey of all of the navigable streams of the United States for all of the purposes for which water can be utilized—navigation, power, reclamation, and all of the various purposes to which it can be put. These surveys are being made day by day at this large expense and this commission will be furnished with more valuable information in the near future than it has ever been furnished in the past. Why should we then disturb a law that we passed only a few years ago when it is working so exceedingly well? We are making progress, and making progress as we never progressed before, and why should we try to change the executive functions of this commission or try to increase or vary them?

Why not go on with what we have that has worked so well?

Mr. BURTNESS. Why should the Agricultural Department be charged with appropriations for regulating private industry?

Mr. DEMPSEY. Because when the legislation was deliberated on at great length we found that we had men who were fitted to solve various questions relating to the water power, in the three departments, without going out and hiring experts at a large and wholly unnecessary expense. That is the reason we provided that they should draw the personnel from the three departments—because we have them, and it is not necessary to go to this added expense.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McDUFFIE. The gentleman knows that the water power act gave the commission the authority to make surveys, and this commission could, under the direction of Mr. Merrill, also make surveys of power development. Then we would have a conflict of jurisdiction in making surveys.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. I ask for one minute more.

Mr. LAGUARDIA. Make it three minutes. I would like to ask the gentleman a question.

Mr. DEMPSEY. Three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. If the commission has the legal power to make surveys and has not the proper personnel, what good is the power?

Mr. DEMPSEY. We are making splendid progress with the surveys. I am in constant touch with the engineers in regard to it. Adequate appropriations have been made. We have authorized the expenditure of \$7,000,000, and the work is being



done, it is being rapidly done, and just as well as it can possibly be done.

Mr. LAGUARDIA. How would this change the situation?

Mr. DEMPSEY. It might change it as the gentleman from Alabama points out; we might have duplication, as we find we have it so often in the Government service. We might have a conflict of surveys and get into a snarl that would delay the splendid work of the Water Power Commission in the country.

Mr. LAGUARDIA. The gentleman will notice that this is all under the jurisdiction of the Water Power Commission; this does not change the existing law.

Mr. DEMPSEY. When the work is done as it is to-day, it functions through the engineers of the Army. They have the service in charge. They discovered 3,000,000 horsepower on the Tennessee River and its tributaries that no one suspected we had there until we made surveys of these streams. Those surveys cost something like \$700,000. They were well worth the money several times over. They developed where the power sites would best be located, how they should be developed, and all the particulars necessary to granting licenses. What was done there a few years ago is now being done all over the United States. If this commission continues to function as it ought to through the three departments, retaining its present employees who have proved that they are fitted to do the work, and securing such additional employees as may be needed from the three departments, just as they have in the past, they will make much more rapid progress than by making experiments and seeking to obtain assistance in other ways. The commission will not cost the taxpayers so much or have so impressive a list of employees, but it will function as it has so far to the entire satisfaction of our people and in developing our great water power at a rapid and steadily increasing rate. [Applause.]

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. McDUFFIE. Reserving the right to object, I do not want to delay the House unnecessarily, but I think it is a pretty short time for discussion on this important matter.

Mr. PARKER. I will make it a half hour.

Mr. GARRETT of Tennessee. Mr. Chairman, before that is agreed to, I do not think there is any disposition to interfere with the progress of the bill, but I would like to know how many amendments there are to be offered.

Mr. MADDEN. I have one on which I want five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto close in not to exceed 30 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New York [Mr. SNELL].

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent that all amendments now pending be read for the information of the committee.

Mr. MADDEN. I ask unanimous consent that I may have five minutes on my amendment.

Mr. GARNER of Texas. The Chair will undoubtedly recognize the gentleman from Illinois.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all of the amendments may be read for the information of the House. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the various amendments.

The Clerk read as follows:

First amendment offered by Mr. SNELL: Page 2, line 6, after the word "utilize," strike out the words "in so far as practicable."

Second amendment to be offered by Mr. SNELL: Page 2, line 11, after the word "necessary," strike out the balance of the line and all down to and including the word "thereto," in line 19.

Amendment to be offered by Mr. MADDEN: Page 3, line 10, after the word "purpose," insert the following:

"The expenses made necessary in the performance of the duties placed upon the commission and upon other Government departments or agencies under the Federal water power act as hereby or hereafter amended, for the cost of administration of said act, shall be paid from such appropriations as may be made therefor. All charges collected from licenses under such act on and after January 1, 1928, for the purposes of reimbursing the United States for the cost of administration of such act shall be covered into the Treasury as miscellaneous receipts.

The Federal Power Commission shall from time to time adjust such charges to the end that the sums so collected shall be equivalent, as nearly as possible, from year to year, to the total amount expended for such purposes, and in the event the amount so collected in any fiscal year shall be deficient or exceed the amount expended, the commission shall take such deficit or surplus into consideration in fixing such charges for the ensuing fiscal year."

Amendment proposed by Mr. McDUFFIE: Page 2, line 11, after the word "necessary," strike out the language on page 2 and the language on page 3 down to and including the word "purpose," in line 10.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New York [Mr. SNELL].

Mr. NEWTON rose.

Mr. MADDEN. Mr. Chairman, I would like to be heard upon my amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Minnesota, a member of the committee.

Mr. NEWTON. Mr. Chairman, I want to speak to the Snell amendment striking out the words "in so far as practicable," and also anticipating the offering of the other amendment in which he strikes out the language from line 11 to line 19 on page 2.

These two amendments go to the very heart of this proposition. This question is whether we are going to have a regulatory body, with power to regulate, and with adequate help, or are we to permit it to go along handicapped as it has been and unable to carry on the regulatory work that Congress puts upon it? The gentleman from New York [Mr. DEMPSEY] said that they can draw upon the employees from the executive branches of the Government and that there is no occasion for this bill. Who ought to be the best judge as to whether there is occasion for the bill, the gentleman from New York [Mr. DEMPSEY] or the three Cabinet members who are the Federal Power Commission? They have said they need it. They said it in the last Congress, and they have said it in this Congress.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. DEMPSEY. My understanding is that there has been no complaint in a single instance of want of adequate help. The undisputed evidence is that we have grown in water-power development since the enactment of this water power law, as we never have.

Mr. NEWTON. Very well. The gentleman says that we have grown in water-power development. I grant that, and I am glad of it, but we have not grown in water-power regulation, and that is the complaint that comes from the commission and that is what this House ought to remedy.

If we adopt the suggestion of the gentleman from New York to strike out the words "in so far as practicable," and to strike out the other provisions, what do we do? We confine the commission to such employees and Army officers as they can get from the War, Interior, and Agricultural Departments. We prevent them from going outside. They are supposed to get all the help they can by transfer from the departments. This is provided in the bill. They should do so in so far as it is practicable. They ought not to be further restricted.

Mr. SNELL. And who decides about that practicability? Is it not Mr. Merrill himself? And is not the whole Water Power Commission, as far as practical purposes are concerned, Mr. Merrill?

Mr. NEWTON. No.

Mr. SNELL. Now, be honest about that. I never saw him and do not know him.

Mr. NEWTON. He is not the commission. I have spent hours with the commission meeting as such. He is the administrative officer, but when it comes to questions of policy, of course, the Cabinet Members who constitute the commission control that.

Mr. SNELL. Show me a word in my amendment that limits the number of employees that he shall have. It is simply the question of where he shall get them.

Mr. NEWTON. But the gentleman wants to confine it to employees now in the Departments of the Interior, War, and Agriculture.

Mr. SNELL. The gentleman is mistaken about that. The bill provides—

and to employ, subject to the civil service laws, additional personnel therefor when necessary.

I am not seeking to cut that out.

Mr. NEWTON. I understood the gentleman to propose to strike that out.

Mr. SNELL. I do not intend to strike that out. The gentleman should confine himself to the facts in speaking to my amendment.

Mr. NEWTON. I am trying to confine myself to the facts.

Mr. SNELL. Can the gentleman show me where I have been trying to strike out the additional personnel therefrom?

Mr. NEWTON. The gentleman moves to strike out the language:

The commission is also authorized to employ, subject to the civil service laws, for such purposes in the District of Columbia and elsewhere, such experts, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto.

Mr. SNELL. It is in the line before that. They can go outside and get the additional employees if they want them. I do not confine it to the department employees.

Mr. NEWTON. Why does the gentleman offer this amendment?

Mr. SNELL. I do not want them to set up a separate bureau.

Mr. NEWTON. This does not change the bureau in any shape, manner, or form.

Mr. SNELL. There is no law setting up the bureau, and the gentleman knows it.

Mr. NEWTON. We do not change the Federal power act in any vital particular.

Mr. SNELL. But you propose to change the manner of administering it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HOCH. Mr. Chairman and gentlemen of the committee, there are two things which might consistently be done with the Federal Water Power Commission. One of them is to abolish the commission, and the other is to provide in some practical way with a sufficient force to perform the important duties which Congress has imposed upon it. That is the practical situation, and this bill proposes the latter course. I do not say and I do not at all believe that every man who opposes this bill would like to abolish the commission, but I do say that every Member who would like to abolish the commission is opposed to this bill. Those who would like to abolish the commission can destroy it by refusing it adequate personnel to perform its duties.

Some criticism has been made of the Committee on Interstate and Foreign Commerce for hasty action in bringing in this bill. Possibly there is grounds for that criticism, though I am sure the only purpose was to act when the committee had determined it was convinced of the desirability of this legislation, and the bill being regularly on the calendar, the committee simply calls it up on this first occasion presented under the rules. And let me say this, that if the committee had made no report on this bill, we would probably have had some fiery attacks on the committee on the ground that by smothering the bill we had pleased the great power interests. To prevent the commission from functioning effectively is just what the power interests would like to have happen.

The Federal power act was passed for the purpose of protecting the public interest in the matter of water-power development; to conserve the great power sites against monopoly and exploitation of the public. There are honest objections to this bill. But I suggest that gentlemen who are in favor of the law may well hesitate before they vote against a measure which the Power Commission says is necessary if their efforts to carry out the law are not to be seriously crippled.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. HOCH. I have only five minutes. The gentleman has spoken at length.

Mr. DEMPSEY. I yielded to every one who asked me to.

Mr. HOCH. I can not yield at this moment.

This commission is charged with the duty of keeping an accounting on these licensed power projects in order to secure honest valuations for possible recapture purposes, for proper supervision of securities issues, to prevent watering of stock, and for such like purposes as the law provides. But the commission declares that it does not have the necessary personnel properly to do this very important work.

Mr. DEMPSEY. Did any of the three Secretaries appear before the committee and testify? Or was any one of the three Secretaries summoned before the committee to testify?

Mr. HOCH. They were not. But the three Secretaries have all gone on record over their own signatures stating exactly what I have just stated in a letter to the chairman of the committee.

Mr. DEMPSEY. They were right here, where they could have been summoned, all of them.

Mr. VINSON of Kentucky. I want to say that the subcommittee on Appropriations in charge of the independent offices appropriation bill gave the Federal Power Commission every dollar for every man requested for the fiscal year 1929, and if they have not got the personnel they need it is their own fault.

Mr. HOCH. And yet they are compelled to come, hat in hand, and ask each one of these Secretaries to detail some of their own force, to be paid out of their own appropriations, to do the work of the commission; and, of course, the three Secretaries hesitate to detail their own men for this work when the appropriation therefor is to be charged up to them, and they are under the necessity of coming before the committee and asking for their appropriations. That applies to each one of the three Secretaries. You can see what a tremendous handicap that places on the Power Commission.

All that this bill does is to give to the commission the power to go before the Budget and before one of the subcommittees of the Committee on Appropriations and present their case, and on the showing they make as to their needs to ask for the necessary appropriations. In that respect they are asking nothing different from what is accorded every other commission.

Mr. VINSON of Kentucky. That is exactly what they did for the fiscal year 1929. They came directly to the Committee on Appropriations.

Mr. HOCH. That referred simply to the men now detailed from the three departments.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MADDEN. Mr. Chairman, if this bill were to pass as it was presented it would have permitted the creation of a special fund at the disposal of the Power Commission.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MAPES. The gentleman says: "This bill as it was presented." The gentleman would not say "as reported by the committee." It would not do that as reported by the committee.

Mr. MADDEN. I mean as it was introduced. That is what I meant; and it would have made this special fund subject to the order of the Federal Power Commission. The amendment which I propose and which is now pending provides that the Federal Power Commission shall be compelled to come before the Committee on Appropriations and give an account of its stewardship every year and tell the story of its accomplishments or its delinquencies, and give in fact the history of the Power Commission, so that the record may be had of what has been done and what it is proposed to do in the future. And this will not by any chance do any harm to the activities of the Federal Power Commission, and it may do a vast amount of good in the administration of the affairs of the Government.

It is proposed in the amendment I have offered to authorize the Power Commission to fix the rates and charges for the permits granted and that, as nearly as may be, these rates and charges will be only sufficient to conduct economically the administration of the Power Commission's affairs. If by any chance the charges fixed during any one year are in excess of the cost of the operations they will be required to cut those charges the next year; if they are less than the cost of operations they will be required to increase the charges the next year; but in any case the charges will be confined to the conduct of the affairs of the commission and its administration of the office and will not in any sense or under any circumstances be classed as revenue. This is not a revenue measure. This is an administrative function that is imposed on the Federal Power Commission and the charges they will be permitted to make and will be required to make are simply the administrative costs of the Federal Power Commission's functions.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARKER. Mr. Chairman, I wish to state that the committee is going to accept the amendment offered by the gentleman from Illinois [Mr. MADDEN] when the time comes.

Mr. GARRETT of Tennessee. Mr. Chairman, I am for all four of the amendments. I am not surprised that this bill is here. The only surprise is that it has not been here before. Any person who has studied with any degree of care the growth of bureaucracy here in this Federal Government of ours need not be at all surprised at seeing such measures as this come before us.

I finally obtained a copy of the report of the committee on this bill. I find there is not a word expressing the opinion of the committee itself upon the measure. The report in its



entirety—except in pointing out where they have changed a comma or something of that sort—consists of a letter signed by the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. That makes three, but the letter begins:

MY DEAR MR. PARKER: I am in receipt of your communication.

[Applause.]

Now, that made me wonder about the remarks of the gentleman from Kansas a few moments ago. I could not understand precisely what he meant by saying the commission had to go hat in hand to the Secretary of War, to the Secretary of Agriculture, and to the Secretary of the Interior and ask for assistance. That was a puzzle to me, because the commission consists of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. I suppose the gentleman from Kansas must have had in mind the "I" who mentions himself in that letter. [Applause.]

As a matter of fact, Mr. Chairman, we have seen these bureaus grow like Jack's beanstalk. We know what it means. I remember very well when we were setting up the last new department that was set up, and when they asked for a particular bureau in that department, it was stated that it was never expected that that bureau would possibly cost more than \$70,000 per annum, but for the last three or four years for that particular bureau we have been appropriating at least \$2,000,000 per annum. This is merely the growth of bureaucracy.

Mr. Chairman, whenever I am driven to the point where I have to take the choice between a monarchy and bureaucracy, I shall choose the monarchy. [Applause.] When you have a monarchy you at least know whom to shoot or whom to hang, but when you have a bureaucracy, with powers invisible and remote, you can not reach it. [Applause.] But fortunately we do not have here to take either. We have a Republic if we will only maintain it, but we can not maintain it by constantly talking against bureaucracy, and then at every opportunity vote either to create a new bureau or to enhance beyond measure the power of some bureau already in existence.

I shall support the amendments proposed by the gentleman from New York, because I think they will do what the gentleman from Minnesota, who opposed them, said they would do. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MAPES. Mr. Chairman, I had not intended to say anything on this bill, but because of the turn the debate has taken, I want very briefly to define my position on it.

There has been some criticism of the committee because of the lack of time taken in the consideration of the bill, and there has been some criticism of the executive officer of the Federal Power Commission. It seems to me that as far as this Committee of the Whole is concerned those criticisms are not material. They do not go to the merits of the bill. The question now is whether or not the legislation before the committee is desirable. Mr. Merrill, the executive secretary, is not the Federal Power Commission. The Federal Power Commission is the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior. Congress, in the Federal power act in 1920, placed upon the Federal Power Commission certain duties and responsibilities. This legislation simply provides the means of enabling that commission to perform its duties. If Congress wants to continue the commission in name but without sufficient authority or personnel to do the big job which it has to perform, that is the business of Congress, but it ought not to deceive itself in doing so.

There is no need of getting excited about this bill. Adequate control or regulation of the power interests of the United States is a big undertaking. It is an important duty that we have put up to the Federal Power Commission, and if we expect it to perform that great duty in an efficient way, we have got to provide it with the means to do it.

Now, what does this bill provide. The original act simply said that all the personnel of the commission had to be taken from the departments of the three Cabinet officers. Fundamentally, the only purpose of this bill is to authorize the Federal Power Commission to get appropriations as it needs them.

A great deal has been said about the size of this commission. The statement has been made that we can build up a commission here that will be as big as the Government itself, as if this were something new. We give power or authorization to every agency of the Government to enable it to get sufficient appropriation to function, but we require it to come before the Committee on Appropriations to get the money—to make a showing of necessity. The Federal Power Commission, if this regulation should pass, will be in the same position in that

respect as other agencies of the Government. In view of the statement of the chairman of the subcommittee on independent establishments this afternoon, before whom the commission would have to appear for its appropriations, that he turned it down so hard several years ago that it has never been back since, who is there that believes it is going to get any extravagant appropriation so as to build up any unwarranted organization or hire unnecessary personnel?

Mr. McDUFFIE. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. McDUFFIE. Referring to the connection of the three Secretaries of the Cabinet to this commission, does not the gentleman think that the committee report setting forth the letter of these gentlemen or signed by these gentlemen was written by Mr. Merrill, the clerk of this commission?

Mr. MAPES. I presume it was, but that does not affect the facts.

Mr. McDUFFIE. And he was your only witness before the committee.

Mr. MAPES. Let me say to the gentleman from Alabama, I think the gentleman from Alabama and every Member of this House knows that this commission can not efficiently perform the duties which the Congress has placed upon it under the present circumstances, and the gentleman from New York—

Mr. McDUFFIE. I think the commission has done very well.

Mr. MAPES. The gentleman from New York has said he does not know of any case where the commission has said it did not have sufficient personnel. Let me read one sentence from the hearing:

The commission can not with its present personnel make the investigations and conduct the hearings necessarily preliminary to the issuance of appropriate orders in these cases, and in consequence millions of dollars may be improperly entered in fixed capital accounts of licensees.

Mr. McDUFFIE. Is that in another letter from Mr. Merrill?

Mr. MAPES. Anybody who has watched the development of the water-power resources and the power and influence of the water-power corporations of this country, it seems to me, must realize instinctively that this Power Commission has got to have expert personnel to enable it to function properly, and we must provide the means for it to get such personnel or else the commission might just as well be abolished.

I think the amendment of the gentleman from Illinois [Mr. MADDEN] should be adopted and that the other amendments should be rejected.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New York [Mr. SNELL].

Mr. NEWTON. Mr. Chairman, may we have the amendment again reported?

The Clerk again reported the amendment.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 95, noes 42.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the second amendment offered by the gentleman from New York [Mr. SNELL].

The amendment was again reported.

The question was taken; and on a division (demanded by Mr. NEWTON) there were—ayes 104, noes 52.

So the amendment was agreed to.

Mr. McDUFFIE. Mr. Chairman, the amendment just adopted having accomplished the purpose in view, I ask unanimous consent to withdraw the amendment I offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. KETCHAM. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. My understanding is the amendments offered by the gentleman from New York and the gentleman from Alabama were offered formally, but the amendment offered by the gentleman from Illinois, I understood, was simply offered for information.

Mr. MADDEN. I offer the amendment formally.

Mr. KETCHAM. I simply wanted to raise the point in order to be sure the amendment is formally before the committee.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and for other purposes, had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

Mr. MAPES. Mr. Speaker, I ask for a separate vote on the two Snell amendments.

Mr. TILSON. Mr. Speaker, we have now reached the previous-question stage, so that if the bill is not finished to-day it will come up to-morrow when we convene, so if there is going to be a roll call on the bill or any amendment I hope that we may now adjourn.

Mr. MAPES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Is it the ruling of the Speaker that with the previous question ordered on Calendar Wednesday a vote will come up immediately after disposition of matters on the Speaker's table to-morrow morning?

The SPEAKER. It is.

Mr. MAPES. One further inquiry. The right to demand a separate vote on the different amendments will be reserved until to-morrow?

The SPEAKER. It will.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### REPRESENTATIVE MARTIN B. MADDEN

Mr. BYRNS. Mr. Speaker, the gentleman from Pennsylvania, Mr. BUTLER, has heretofore announced that this is the seventy-third anniversary of the birth of the distinguished gentleman from Illinois, Mr. MADDEN. [Applause.]

Mr. MADDEN has had a long service in the House. He has had a most distinguished career, and I do not hesitate to say that certainly during my term of service, which has been for some years, I have never known a Member of either branch of Congress who has served with greater fidelity, with greater zeal, with greater ability, or who has rendered greater and more valuable service to his country than has the gentleman from Illinois, Mr. MADDEN. [Applause.]

As chairman of the great Committee on Appropriations he has devoted all of his very great ability to the faithful service of his country in conserving the Treasury of the people, and without regard to his own health and comfort. I wish to take this opportunity of joining in the felicitations expressed by the gentleman from Pennsylvania, and I am sure that I speak the sentiments of Members on both sides of the Chamber when I say I hope that he will live to enjoy many more years of happiness and prosperity and of usefulness to our country. [Applause.]

#### DEBT OF AUSTRIA TO THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Ways and Means and ordered printed.

*To the Congress of the United States:*

I am submitting herewith for your consideration a copy of a report of the Secretary of the Treasury regarding the action proposed to be taken by the Government of the United States in respect of the debt of Austria to this Government.

The action proposed by the Secretary of the Treasury has my approval. I recommend that the Congress enact the legislation necessary to enable the United States to join with the other relief creditors in permitting Austria to obtain the additional capital urgently needed for continuing its economic reconstruction, and to authorize the Secretary of the Treasury to conclude an agreement for the settlement of Austria's debt to the United States.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 20, 1928.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3. An act for the relief of Kate Mathews.

#### BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.

#### ADDRESS OF HON. FINIS J. GARRETT, OF TENNESSEE

Mr. TILSON. Mr. Speaker, when the distinguished minority leader, the gentleman from Tennessee [Mr. GARRETT], deals with subjects not political he always makes a fine speech. On last Sunday evening he delivered a notable address at the Metropolitan Memorial Methodist Episcopal Church in Washington. It is not only an interesting address but one that I think will be useful if read by all the Members of the House. I ask unanimous consent to extend my remarks in the RECORD by printing this address of the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address:

#### THE BIBLE

Ladies and gentlemen, there is that in man which can only be satisfied by a religion. However crude the mental equipment or however disciplined and dexterous the mental faculties, however commonplace or however vast the scope of his intellectual activities and the efforts of his sentient being, man comes, first or last, to worship.

With some the object of worship is a mere abstraction, with some an ideal, with some a force, with some a spirit; but whatever it may be, wherever it may be found or thought to be found, the object, whether force or spirit or star, is something which is at least believed to be superior to the worshiper.

We all realize that somewhere there is perfection—perfect organism, perfect law, thorough harmony, complete unity, perfect and therefore infinite power—and at the shrine of this perfection, wherever we conceive it to be, in whatever we conceive it to inhere, we lay our homage; upon its sacred altars burn our incense; to it build our trusting faith. Man despises flaws, at least in others. He is the natural enemy of a lie. We may love that which is not faultless, but we cherish such, despite the faults, not on account of them. We may adore that which possesses foibles and frailties, but when it comes to the supreme act of worship there is that implanted in the heart of man which centuries of effort could not eradicate that causes him absolutely to refuse to bow the head or bend the knee save only unto perfection.

The first criterion by which to judge the intrinsic character of a people is a study of the objects of that people's worship. Take the ancient Greeks. If we measure Greece by her art, by her literature, by her philosophy, by her eloquence, it is scarcely asserting too much to say that she stands supreme over all the nations of history, past or present. Her art was the nearest approach to perfection in art which the world has seen. In literature she has at least not been surpassed except by Shakespeare. In philosophy the mental processes used and the intellectual functions exercised have been the models for all time since, and the productions of her intellectual efforts have been the basis of all man's achievements in the realm of metaphysics. In forceful eloquence her supremacy is generally conceded. Even her law, while falling far below the civil system of later Rome, and further still below the standard of our great common law, is yet not unworthy the nation that gave to the world the Iliad and the Odyssey; that conceived the beautiful temples, the perfected statues, the exquisite paintings whose mere description charms the heart; that gave us the keen satire of Aristophanes, the sagacious disquisitions of Socrates, the subtle charm of Euripides's poetic soul, the researches and accomplishments of Plato and Aristotle, the resonant and profound eloquence of Demosthenes.

Measured by any of these, Greece need not to blush; and measured by them all, we repeat, it is hardly saying too much to assert that ancient Greece would still deserve the violet crown as the symbol of her intellectual supremacy. But when we turn to her religion, when we come to look upon the objects of her worship, we behold the weakness of Grecian character and perceive the devitalizing forces of Grecian institutions. Her gods were creatures of men's conception and possessed not the attributes of grace and perfection essential to stability.



It is a familiar principle recognized and acted upon every day that it is wholly impossible to envision a form we have not seen. There is no function or faculty of the mind which will enable it to conceive a thing, material or spiritual, whose attributes and qualities are wholly unknown. All man-made things are but combinations of familiar creations. One may examine the mythologies of antiquity and analyze the character of its divinities, and one will find them all but combinations of conceptions growing out of the observance of the doings and qualities and attributes of men. Their gods are simply men of expanded and oftentimes distorted powers, still chafing within manlike limitations, and hence as we see them now, lacking in divine strength or grace of power. Great Zeus himself, the greatest of all gods, partook of many of the pettiest passions common to men. But, nevertheless, to the Greeks their gods were perfect, else they would not have worshiped them; and hence we see their weakness in the objects of their devotions.

It is so of all peoples and of all ages. "The heathen in his blindness bows down to wood and stone" as the symbols of that perfection which the intrinsic qualities of his spirit have taught him is the object worthy his homage and his trust.

It being true, then, that men are by nature worshipers, and equally as true that they will worship only that which they believe to be perfect, it would seem to be obvious that the matter of primal importance is the instilling into the hearts and minds of men the truth of the perfection of God, and that in him only is perfection to be found.

To do this—to burn this supreme, basic truth into the hearts of men—it is evident even to the tyro that we must not present our conceptions of the godly functions. If we do this, wherein are we superior unto pagan peoples? Is it not a difference merely of mental equipment? The pagan gives his best and gravest thought to the effort of conceiving a god. What more do we do if we teach our own ideals? We may only use them to illustrate, to explain, to measure by. To learn the truth, and to teach it unto men you must begin at the other end. You must go to the source, whence flows all knowledge and all teaching relative to God, and that source is the word of God Himself, given for the express purpose of satisfying the inquiries of men—inquiries growing out of that inherent desire to worship; given for the express purpose of revealing His nature unto men, and showing that He and He alone is the supreme Entity for which the heart panteth and the soul longeth.

Let it be said just here that if the perfection of the godly character can not be shown from the Bible, it can not be shown at all. Ages of experience convince us that no effort of the mind of man unaided by extrinsic inspiration can accomplish the task of defining perfection in the abstract or of applying developed ideas of perfection to a concrete being. System after system of philosophy has been developed only to pass away and be forgotten. Principle after principle of metaphysics has been asserted, only to be clearly proven erroneous and displaced. The ingenuity of man can scarcely devise an abstract proposition resting alone on the basis of mental philosophy which some other individual can not reason away. But there is not a principle of action resting for its authority upon the word of God which the ingenuity of man can overthrow. Now and then a date may be shown, on account of human errors, to be wrong; now and then there may be a lapse in historical statement caused by some draughtsman's mistake; but in the assertion of principles or morality, in the expression and revelation of principles of human action, the system given there and asserted as the law, bids defiance to the iconoclast and the anti-Christian philosopher.

A study of the Bible, therefore, becomes a matter of first importance. Let no man feel that this study is likely to prove a disagreeable task. The Bible has an intrinsic interest for every individual. If once its study is begun the pursuit of it becomes a delight.

I think sometimes, though, that the reason men do not study it more is because they do not look upon it as a book, but regard it with some sort of intangible, inexpressible feelings that forbid a close approach to its inner meanings. Most of us in reading the Bible fail to apply to it the same rules which we apply to other books. We think of it as the word of God, and there we stop. We fail to remember that as one Christian commentator has put it, "it is the word of God in the language of men." If we will but realize that the Bible was written by men—men with feelings and hopes and loves and ambitions and fears and sorrows like ourselves, who used their words to express the sublime thoughts with which God had inspired them; if we will only recognize the humanity that shows forth in its every page—I think our sympathies will become closer and broader and our interest more intense.

It is a singular fact that of all the great reformatory characters of history, Jesus Christ, alone wrote nothing. All others who stand out in the pages of history, under the fierce limelight of the centuries, as leaders of great reform movements in morals, in politics, in science, in philosophy, in religion, put their theories and beliefs and teachings, the principles of their creeds, upon paper or parchment. Confucius, the great Chinese moralist; Mohammed, the founder of the Islam which bears his name; Zoroaster, Luther, Knox, Bunyan, Wesley—all of these have left their teachings to the world over their personal signatures.

Christ wrote nothing. There is no evidence that he ever saw any part or parts of the history of his life written by others. Indeed, the

historians tell us that all of what we call the New Testament was written after Christ's death. He has been more written about than all other characters in history combined, yet so far as we know he never put hand to parchment. I have often wondered why this was, why he left to others the task of preserving for posterity in written form the principles of his mighty cult. To me there is but one satisfactory explanation, and that is had he done so, had he written himself of himself, the force and power of his creed would have been lost in the transmission of it unto men. In other words, it was essential that men should write for men, that men should appeal to men, that the imperishable truths intended for the amelioration and salvation of human kind be conveyed to those for whom they were intended by the language of creatures of like weaknesses as well as like sympathies and faculties as themselves.

Let us not, then, lose sight of the humanity of the Bible while remembering its divinity.

Again, I think we know too little of the history of the Bible. We need to avail ourselves more fully of the benefit of the researches and labors of scholarship, and the light which has been thrown upon its production. The Bible is a collection of 66 books, written according to the best authorities, between 1,500 years before Christ and the one hundredth year after his death, thus covering a period of some 1,600 years. These books were written by different men at different times, and each, as is the case with all literature, takes color from the age in which it was written; and each bears the imprint of its author's personality. We do not know the names of the authors of all the books.

That Moses wrote the larger part of the first five books commonly called the Pentateuch is generally believed; but it is unquestioned that much of the substance of these books was merely compiled by him from older manuscripts. It is generally agreed among scholars that Isaiah, Jeremiah, Ezekiel, Daniel, and the 12 minor prophets, from Hosea to Malachi, were written by the men whose names they bear, excepting some parts of Zachariah and Isaiah, and possibly all of Jonah. The Proverbs are very generally attributed to Solomon, and there is small doubt that most of them were the production of this master mind, but many were doubtless maxims which had been cherished in Jewish life and handed down from father to son, and were merely compiled by the great, wise king. The Psalms were written by different Hebrew poets, the chief of whom was David. Lamentations was probably the work of Jeremiah. Ecclesiastes and the Canticles are frequently credited to Solomon, but there is much doubt as to his really being their author. It is not known who wrote the books of Job, Esther, Joshua, Judges, Samuel, Kings, Chronicles, Nehemiah, Ezra, and Ruth. The books of the Old Testament were all written in Hebrew with the exception of a few passages which were in Chaldaic.

The fact of their inspiration rests for its authority upon two bases: First, the intrinsic characteristics of the books themselves; and secondly, upon Jewish traditions. These books were carefully preserved through all the turmoils of Jewish life and handed down from generation to generation, from age to age, as the sacred writings. Through all their wanderings, through the heyday of their national existence, with its splendor and power, through all the calamities that befell their kingdom, through all the long years of their captivity and persecution, through glory and through gloom, this peculiar people guarded with jealous care the splendid traditions of their race and preserved, despite all opposition, the sacred revelations of law granted unto their fathers, so that at the time of Christ the books of the Old Testament, arranged substantially as we have them to-day, were received as the Bible—as the revelation of God's purposes and will toward men.

In this supreme devotion to their traditions and racial heritage lies the one great strength of Jewish character, and in it may be found the reason why this people, comparatively few in numbers, weak in governmental functions and powers, unable to protect themselves from their enemies, too weak to preserve their political institutions from destruction, powerless to keep from falling an easy prey to first one king and then another, have yet impressed themselves upon all the world as has no other nation, no other race. Civilization received the rudiments of its philosophy from Greece, its law from Rome, but its religion came from the Jews, and is supreme above all philosophy and all law.

There is no history at once so pathetic and so proud as the history of the Jews. The years of their life as a stable, unified, national power were no more than a hundred and five and twenty. Saul, David, and Solomon each reigned about 40 years. Their kingdom was but a small strip bordering upon a narrow sea. The inhabitants probably never numbered at any one time as many as now live in the city of New York. And yet from out that people have come the supremest influences that have touched the life of mankind, and the ruling tenets of their creed have been engrafted upon the civilization of the world. Their ideals have been shaded into the art, have been absorbed into the philosophy, been written into poetry, been instilled into the law of all the civilized earth, and become the test and measure of them all. The Jew wanders to-day from end to end of the earth, and nowhere can he find a land over which floats a flag that he can call the flag of his fathers or the sovereign symbol of his race; but wherever he goes,

if it be where civilization has gone, he beholds woven into the very fabric of that civilization as the web and woof of its strongest texture the traditional creeds of his race, beholds emblazoned, as it were, on every civilized flag the tenets of his fathers.

Of the writers of the New Testament we know or can learn much more than of the old—the places of their birth, the occupations of each, and in most instances the times and places of their deaths. We know much of their personal characteristics and habits of thought and action. They lived and wrote at a time when the human mind was beginning an earnest effort to learn something of itself and of the truth, when the activities of the race were being noted for the benefit of posterity, and therefore much information has been preserved concerning them.

The mighty and majestic workings of God's imperial and splendid purposes are nowhere more strongly shown than in the time at which Christ was born. You are all familiar with the fact that civilization has ever moved from east to west and grown in splendor as it moved. The first great decisive battle of the world was that of Marathon, where Grecian alertness and skill met barbaric numbers and strength and overthrew the ancient eastern power. Following that battle the Grecian mind was quickened into new vigor and activity. They caught up the crude learning and language of the past and developed them to the most exquisite refinement. When their system of philosophy had been developed, when men had learned to think and reason, Alexander the Great came down from the north and absorbed this mighty intellectual force into his great world power, and through him Grecian culture and refinement were spread over the earth; it was carried to the west, to the north, and back into the east, whence had come the seed, there was borne the full op'd flower—aye, the ripened fruit of intellectual effort; and so the world learned to think. This was the first great step in the preparation for the coming of Christ. Centuries dragged along, and still farther to the west arose mighty Rome. Her lines reached out, and in her mighty grasp there came Grecian philosophy and Jewish religion.

She absorbed them all—all the good and all the evil—and to them applied her imperial law. She became the mistress of the world, and when all had been unified there came the great Augustan age, an age of profound peace. The Temple of Janus was closed; the wars ceased; men took up the work of intellectual development. The second step in the preparation was ended, and out from the manger amongst the olive-girt hills of Judea there came in meekness but in the supremest strength this world has ever seen—the Christ.

The ground had been prepared for the seed and the sower came. He came and sowed. He walked and taught and lived and loved for 3 and 30 years. The great nation into which He was born caught up His teachings. They were as the leaven, their workings were slow, measured by some standards; but steadily did they grow until at length Christianity was adopted as the state religion of the supreme, the one nation then on earth; and when this had been done, but not until this was done, did the Roman Kingdom fall apart. And as it fell there was borne on and on to other climes and other peoples the three great forces it had gathered and developed—its own law, the culture of Greece, the religion of Judea.

How vast and sublime were the potent forces of those centuries! What man can read the interpretation of the dream of Nebuchadnezzar by the prophet Daniel and study it in the light of history and doubt that Daniel's inspiration?

Permit now a brief statement, very general in character, of what may be learned in the Bible.

The historian finds there the only authentic account we have of the creation of the earth and the beginning of man, told with a sublime simplicity of style and language which is at once the delight and the despair of the poetic soul.

The scientist finds there principles and practices that bear the indelible stamp of genius.

The metaphysician finds there philosophical questions philosophically considered.

The moralist finds there a code beside which the Ethics of Aristotle, the Morals of Seneca, the Memorabilia of Xenophon, the Offices of Cicero are meager indeed.

The statesman will find there the story of the formation and organization of society, will learn how society was generated and communities established, and thus be able to begin at the very foundation to study the theories of the social compact. He can find the story of the formation of the first republic in the history of the Jewish commonwealth and observe in its fullness the earliest recorded story of synthetic statesmanship.

The soldier may study strategic military movements and plans and find them not unworthy of emulation. It is said that the plan of Joshua's campaign in battling for the Promised Land stamps him as one of the greatest military leaders in history.

The lawyer will find therein the oldest code of laws of which we have any information. He will find, too, that there is not in the civilized world a single principle of law which is abhorrent to the teachings of Christianity. It is the basis of the whole system of common law. In

the Old Testament and the New he can find principles discussed and asserted which "shed more than a glimmering light" upon questions of everyday practice. The subjects of the marriage contract, the alienation of property among the living, the acquiring of it by bequest, by inheritance; the obligation of an oath; the relation of governor and governed, of master and servant, of husband and wife; the statutes of limitations; the right of redemption of land sold for debts; the nature of punishment of various crimes; the grounds for divorce—all of these subjects receive copious illustrations from the Bible. To the Jewish law, as codified by Moses, may be traced many elements of that system of equity construed and applied by our modern courts of chancery.

The orator and poet will find there the very essence of eloquence, cadence, and harmony of language. An argument of its inspiration is frequently drawn from its excellence in expression. From a literary standpoint alone, measured by all the canons of literary criticism, its supremacy over all other intellectual efforts of man is established.

May I not take time to give you one comparison between sacred and secular writers? If the entire scholarship of the world should pass judgment upon the various literary productions of the ages, the consensus of opinion among the majority would probably be that the Iliad of Homer, recounting the struggle between the Trojans and the Greeks, is the most powerful and sublime. The beginning of the eighth book of this work was probably the loftiest effort ever made to describe a god, and to show his superiority not over men and heroes but over gods, and not over one god but over them all combined. When we place ourselves, as nearly as we can, in sympathy with the environment of the days when this poem was produced, when we remember that to the Greeks their gods were perfect, and that to them Jupiter represented the highest and vastest power of which they could conceive, we begin to realize what a mighty task Homer set himself to accomplish when he essayed to speak in the language of this god, saying:

"The saffron-colored morning was spread over the whole earth and Jupiter, rejoicing in his thunder, called an assembly of the gods upon the highest top of many-headed Olympus. He himself spake to them and all the gods together listened.

"Hear me, all ye gods and all ye goddesses, that I may speak what my soul within my breast commands. Let not, therefore, any female deity or any male endeavor to break through my word; but all consent together that I may quickly perform these works.

"Whomsoever, therefore, of the gods I shall understand to have gone by himself, and of his own accord, to give assistance to the Trojans, or to the Greeks shall return to Olympus shamefully wounded; or I will throw him, seized by me, into dark hell far off, whither the most deep abyss is under the earth, whither these iron gates and brazen threshold are as far within hell as heaven is distant from earth. He will then know by how much I am the most powerful of all gods. But come, try, O ye gods, that ye may all see. Hang down the golden chain from heaven, hang it down, all ye gods and goddesses; but ye shall not be able to draw from heaven to the earth Jupiter, the great counselor, though ye strive ever so much. But when I afterwards shall be willing to draw, I shall lift both the earth and the sea, then I shall bind the chain around the top of Olympus, and they shall all hang aloft. For as much am I above gods and above men."

Now with this masterly passage from the mighty man of ancient days who had probably the greatest natural and acquired advantages of perfecting a genius, let the following, written by one brought up as a shepherd in a country where learning was but little esteemed, be compared. Both productions are in poetry, and the translations here given are said to be literal:

"O Lord, My God, Thou art very great! Thou art clothed with honor and majesty! Who coverest Thyself with light as with a garment; who stretchest out the heavens like a canopy; who layest the beams of His chambers in the waters; who makest the clouds His chariots; who walkest upon the wings of the wind; who makest His angels spirits, His minister a flame of fire; who laid the foundations of the earth that it should not be moved forever. Thou covered it with the deep as with a garment; the waters stood above the mountains. At Thy rebuke they fled; at the voice of Thy thunder they hasted away. They go up by the mountains; they go down by the valleys unto the place Thou has founded for them. Thou has set a bound they may not pass over; that they turn not again to cover the earth. O Lord, how manifold are Thy works! In wisdom hast Thou made them all. The earth is full of Thy riches. So is the great and wide sea, wherein are creatures innumerable both small and great. There go the ships. There is the leviathan which Thou has made to play therein. These all wait upon Thee that Thou mayest give their food in due season. That Thou givest them they gather. Thou openest Thy hand; they are filled with good; Thou hidest Thy face; they are troubled; they die and return to their dust. Thou sendest forth Thy spirit, they are created; and Thou renewest the face of the earth. The glory of the Lord shall endure forever. The Lord shall rejoice in His works. He looketh on the earth and it trembleth. He toucheth the hills and they smoke. I will sing unto the Lord as long as I live. I will sing praises unto my God while I have my being."

Would not all comment on the comparative merit of these passages be superfluous?



But greater than all history and science and government and law and poetry and literature, every individual finds in the sacred volume the substance of his faith and hope and eternal love. It and it alone points the way unto supernal peace.

## ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 21, 1928, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 21, 1928, as reported to the floor leader by clerks of the several committees:

## COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

## COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment, and to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

## COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

## COMMITTEE ON INDIAN AFFAIRS

Authorizing the classification of the Chippewa Indians of Minnesota (H. R. 461).

## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the south mole of San Antonio Estuary in the county of Alameda, in said State (H. R. 7467).

Granting the consent of Congress to Frank E. Webb, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco at or near the extension of Oakdale Avenue near Shag Rock at or near Hunters Point, San Francisco County, on the north, and Visitation Point, San Mateo County, on the south, to a point south of Park Street, city of Alameda, county of Alameda, Calif. (H. R. 8712).

## COMMITTEE ON MINES AND MINING

(11 a. m.)

To increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska (H. R. 339).

## COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills on the committee calendar.

## COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920 (H. R. 10957).

## EXECUTIVE COMMUNICATIONS, ETC.

414. Under clause 2 of Rule XXIV, a letter from the United States Civil Service Commission, transmitting schedule in duplicate of useless papers in the office of the United States Civil Service Commission in Washington and in the offices of secretaries of certain civil service districts, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 11281. A bill to authorize the disposition of certain public lands in the State of Florida; with amendment (Rept. No. 998). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on the Public Lands. H. R. 10885. A bill to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437); without amendment (Rept. No. 1003). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 766. An act to fix the compensation of registers of local land offices, and for other purposes; without amendment (Rept. No. 1004). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field; without amendment (Rept. No. 1005). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 12030. A bill to amend Title II of an act approved February 28, 1925 (43 Stat. p. 1066, U. S. C., title 39), regulating postal rates, and for other purposes; without amendment (Rept. No. 1006). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 11716. A bill authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes; without amendment (Rept. No. 999). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. S. 484. An act for the relief of Joe W. Williams; without amendment (Rept. No. 1000). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 3222. A bill for the relief of John M. King; with amendment (Rept. No. 1001). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 10702. A bill for the relief of Elbert L. Cox; without amendment (Rept. No. 1002). Referred to the Committee of the Whole House.

## ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 6750. A bill for the relief of Capt. J. Fleming Bel; adverse (Rept. No. 997). Laid on the table.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9522) granting a pension to Abbie F. Daniels, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LETTS: A bill (H. R. 12235) authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Bettendorf, Iowa, and Moline, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. ACKERMAN: A bill (H. R. 12236) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 12237) legalizing the entry of any alien resident of the United States not ineligible to citizenship; to the Committee on Immigration and Naturalization.

By Mr. COCHRAN of Missouri: A bill (H. R. 12238) to provide for the use of the U. S. S. *Olympia* as a memorial to the men and women who served in the war with Spain; to the Committee on Naval Affairs.

By Mr. COLLINS: A bill (H. R. 12239) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 12240) to amend section 19 of the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. REED of New York: A bill (H. R. 12241) to provide for the more complete development of vocational education in the several States; to the Committee on Education.

By Mr. SINNOTT (by departmental request): A bill (H. R. 12242) to withhold timberlands from sale under the timber and stone act; to the Committee on the Public Lands.

Also (by departmental request), a bill (H. R. 12243) to authorize the Secretary of the Interior, in his discretion, to issue patents for lands held under color of title; to the Committee on the Public Lands.

By Mr. SMITH: A bill (H. R. 12244) authorizing an appropriation of \$25,000 for the erection of a monument near Preston, Idaho, to commemorate the Battle of Bear River between the Indians and the United States troops January 29, 1863; to the Committee on the Library.

By Mr. STRONG of Kansas: A bill (H. R. 12245) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

By Mr. SWEET: A bill (H. R. 12246) to promote the public health of all who are engaged in the service or defense of the United States in the Army and Navy and all of the Government; and to encourage the dairy industry in the interest of the general welfare; to the Committee on Agriculture.

By Mrs. KAHN: A bill (H. R. 12247) granting a special pension to officers and enlisted men who received the medal granted to those who participated in the Battle of Manila Bay May 1, 1898; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 12248) to provide for the naturalization of alien veterans of the World War; to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: A bill (H. R. 12249) to remove the age limit of persons who may be confined at the United States Industrial Reformatory at Chillicothe, Ohio; to the Committee on the Judiciary.

Also, a bill (H. R. 12250) to amend section 574, title 28, United States Code; to the Committee on the Judiciary.

By Mr. CRISP: Concurrent resolution (H. Con. Res. 28) to defray the necessary expenses incurred by the committee of Congress at the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of Stone Mountain; to the Committee on Accounts.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of New York, urging Congress to pass the Cooper-Hawes bill, providing that all prison-made goods for State or interstate shall be plainly marked as such; to the Committee on Labor.

Memorial of the Legislature of the State of New Jersey, urging the passage by the Congress of the bill which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States; to the Committee on Labor.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 12251) to provide for a survey of Mill Creek, a tributary of Trent River, at Pollocks-ville, N. C.; to the Committee on Rivers and Harbors.

By Mr. ALLEN: A bill (H. R. 12252) granting an increase of pension to Helen L. Huff; to the Committee on Invalid Pensions.

By Mr. ALLGOOD: A bill (H. R. 12253) to remove the charges of desertion from the record of James William Riley; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 12254) granting an increase of pension to George F. Randall; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 12255) for the relief of Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased; to the Committee on Claims.

By Mr. BUCKBEE: A bill (H. R. 12256) for the relief of John August Johnson; to the Committee on War Claims.

By Mr. BUCHANAN: A bill (H. R. 12257) granting a pension to Lafayette Rogers; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 12258) granting an increase of pension to Hettie A. Gries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12259) for the relief of F. S. Wertz & Son; to the Committee on Claims.

By Mr. CLAGUE: A bill (H. R. 12260) granting a pension to Newton P. Hazelwood; to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 12261) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; to the Committee on Claims.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 12262) granting a pension to James L. Lutz; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 12263) granting an increase of pension to Mary A. Millican; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 12264) granting an increase of pension to Mary Ellen Gaffney; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12265) for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12266) granting an increase of pension to Karine Knudson; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 12267) granting a pension to Wade P. Miles; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 12268) granting a pension to Jacob H. Boring; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 12269) granting an increase of pension to Margaret J. Humbert; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12270) to provide for the advancement on the retired list of the Navy of Frank G. Kutz; to the Committee on Naval Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 12271) granting an increase of pension to Zora B. Stinson; to the Committee on Pensions.

By Mr. MOREHEAD: A bill (H. R. 12272) granting an increase of pension to Elizabeth Flickinger; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 12273) granting an increase of pension to Charity Dewey; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12274) granting a pension to Lizzie Free; to the Committee on Pensions.

Also, a bill (H. R. 12275) granting a pension to Andrew P. Cole; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12276) granting an increase of pension to Avis F. Norton; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12277) granting a pension to Lillie Beitler; to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 12278) providing for the retirement of Lieut. Commander Henry Emile Quenstedt, United States Naval Reserve Force, as within the provisions of the act approved July 12, 1921; to the Committee on Naval Affairs.

By Mr. SWING: A bill (H. R. 12279) granting a pension to Grace E. Todd; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 12280) for the relief of Lula Lewis; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 12281) granting a pension to Mary Mauller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12282) granting a pension to George Chester Adcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12283) granting an increase of pension to Centrilla L. Bailey; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 12284) granting an increase of pension to Christine Klump; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12285) granting an increase of pension to Hattie Loring; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5668. By Mr. ACKERMAN: Petition of citizens of Morris Plains, N. J., protesting against passage of House bill 78; to the Committee on the District of Columbia.



5669. By Mr. ALDRICH: Petition of voters of Rhode Island and Connecticut, urging immediate action on a Civil War pension bill; to the Committee on Invalid Pensions.

5670. By Mr. ALLEN: Petition of citizens of Rock Island, Ill., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5671. Also, petition of citizens of Moline, Ill., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5672. By Mr. BACHMANN: Petition of Lottie L. Couger and other citizens of Warwood, Wheeling, W. Va., protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5673. By Mr. BEERS: Petition of residents of Union County, Pa., favoring enactment of legislation to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5674. By Mr. BLOOM: Petition of Sarah A. Breuninger, 224 Reid Avenue, Brooklyn, N. Y., and 515 citizens of New York City, New Jersey, and Long Island; also 250 citizens of New York and New Jersey, protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

5675. By Mr. BROWNING: Petition against the Lankford Sunday observance bill (H. R. 78), from citizens of the eighth congressional district of Tennessee; to the Committee on the District of Columbia.

5676. By Mr. CRAIL: Petition of Greater Graham Chamber of Commerce, of California, for the passage of House bill 500 and Senate bill 777; to the Committee on World War Veterans' Legislation.

5677. By Mr. CROWTHER: Petition of citizens of Gloversville, N. Y., urging an increase of pension to the Civil War Veterans and their widows; to the Committee on Invalid Pensions.

5678. By Mr. DRIVER: Petition signed by citizens of McCrory and Woodruff County, Ark., urging the passage of legislation increasing the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5679. Also, petition signed by citizens of Lepanto and Poinsett County, Ark., urging the enactment of legislation increasing the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5680. By Mr. FITZPATRICK: Petition of Fred Shienle and many others, of the city of Mount Vernon, N. Y., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5681. By Mr. FULBRIGHT: Petition against compulsory Sunday observance from Poplar Bluff, Mo.; to the Committee on the District of Columbia.

5682. Also, petition in favor of increase of pensions for Civil War veterans and widows from Blue Eye, Mo.; to the Committee on Invalid Pensions.

5683. Also, petition in favor of legislation increasing pensions of Civil War veterans and widows, from Douglas County, Mo.; to the Committee on Invalid Pensions.

5684. By Mr. GALLIVAN: Petition of Walter J. Meyer, general territorial manager Tanners Shoe Manufacturing Co., 493 C Street, Boston, Mass., recommending early and favorable consideration of House bill 9296, known as the postal rate bill; to the Committee on the Post Office and Post Roads.

5685. By Mr. GARBNER: Letter and resolution of the board of directors of the chamber of commerce of Hastings, Nebr., in support of House bill 8909; to the Committee on Flood Control.

5686. Also, petition of residents of Tonkawa, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5687. Also, petition of residents of Garfield County, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

5688. Also, petition of residents of Texas County, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

5689. Also, petition of residents of Enid, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

5690. Also, letter of A. C. Hough, of Oklahoma City, Okla., in support of House bill 8549; to the Committee on Interstate and Foreign Commerce.

5691. Also, letter of Harris Meat & Produce Co., of Oklahoma City, Okla., in protest to the enactment of House bill 10958 and Senate bill 3247; to the Committee on Agriculture.

5692. Also, letter and resolution of Chamber of Commerce of Hominy, Okla., in regard to House bill 9294; to the Committee on Indian Affairs.

5693. Also, letter of Dr. L. L. DeLano, of Tonkawa, Okla., in protest to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5694. Also, letter of J. W. Maring, 1411 West Main, Enid, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5695. Also, letter of Annie Strobe, 1412 West Oklahoma Avenue, Enid, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5696. By Mr. GOODWIN: Petition of Vesta A. Keniston and 23 other residents of Champlin, Minn., in earnest support of Civil War pension bill, providing for increased pensions to the Union veterans of the Civil War and the widows of those veterans; to the Committee on Invalid Pensions.

5697. By Mr. HUDSON: Petition of citizens of Royal Oak and Flint, Mich., protesting against the enactment of House bill 78, the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

5698. By Mr. KVALE: Petition of several residents of Olivia, Minn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5699. By Mr. JENKINS: Resolution adopted by the members of Cadot Post, No. 126, Grand Army of the Republic, Department of Ohio, urging Congress to pass the Morgan pension bill; to the Committee on Invalid Pensions.

5700. By Mr. JOHNSON of South Dakota: Petition of citizens of Hand and Beadle Counties, protesting against the passage of the Lankford bill (H. R. 78) or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5701. By Mr. KVALE: Petition of Estella R. Fischen and 32 citizens representing the Woman's Christian Temperance Union, Olivia, Minn., urging prompt enactment of the Stalker bill to amend the national prohibition act; to the Committee on the Judiciary.

5702. Also, petition of P. H. Unumb, adjutant, and members of Post No. 87, American Legion, Alexandria, Minn., urging provision by legislation at this session for additional beds at United States veterans' hospitals in Minnesota; to the Committee on World War Veterans' Legislation.

5703. By Mr. LANKFORD: Petition of 29 citizens of Brunswick and Glynn County, Ga., opposing House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5704. By Mr. McREYNOLDS: Petition of citizens of Chattanooga, Tenn., urging passage of a Civil War pension bill providing further relief for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

5705. Also, petition of citizens of the State of Tennessee, protesting against the passage of the Sunday observance bill, or any bill of such nature; to the Committee on the District of Columbia.

5706. By Mr. MAJOR of Missouri: Petition of citizens of Sedalia, Mo., urging the passage of legislation providing increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5707. By Mr. MILLER: Petition of employees and citizens of United States navy yard, Bremerton, Wash., indorsing House bill 6518, the Welch bill, and House bill 492; to the Committee on the Civil Service.

5708. Also, petition of citizens of Seattle, Wash., indorsing a bill for increase to \$50 of pensions of all Civil War veterans' widows; to the Committee on Invalid Pensions.

5709. By Mr. MORROW: Petition of Village Council and Chamber of Commerce of Village of Hot Springs, N. Mex., indorsing House bill 10142; to the Committee on Roads.

5710. By Mr. NEWTON: Petition signed by residents of Minneapolis and submitted by the National Tribune urging action on Civil War pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5711. By Mr. O'CONNELL: Petition of the International Association of Fire Chiefs to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5712. Also, petition of the Board of Aldermen of the City of New York, favoring Greater New York for the location of the Bicentennial International Exposition of 1932; to the Committee on Foreign Affairs.

5713. By Mr. SANDERS of Texas: Petition by the Kaufman Chamber of Commerce, urging the appropriation of \$6,000,000 or as much thereof as may be necessary for the prosecution of the

work in eradicating the pink bollworm; to the Committee on Agriculture.

5714. By Mr. SINCLAIR: Petition of 49 citizens of Epping, N. Dak., protesting against any change in the immigration laws which would reduce the quotas from the northern countries of Europe; to the Committee on Immigration and Naturalization.

5715. By Mr. TIMBERLAKE: Petition from citizens of Yuma County, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5716. Also, petition signed by residents of Fort Collins, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5717. By Mr. UNDERWOOD: Petition of J. A. Francis and citizens of Ross County, Ohio, urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5718. Also, petition of Anna Litten and citizens of Asheville, Ohio, urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5719. Also, petition of J. F. Thompson and citizens of Bremen, Ohio, urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5720. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging more liberal pension legislation for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5721. Also, petition of residents of the eighth congressional district of Michigan, protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5722. By Mr. WEAVER: Petition of citizens of Asheville, N. C., protesting against House bill 78, Lankford Sunday observance law; to the Committee on the District of Columbia.

5723. By Mr. WHITE of Colorado: Letter of John E. Gross, secretary-treasurer Colorado State Federation of Labor, approving the Box-Harris bills for the restriction of immigration from Mexico; to the Committee on Immigration and Naturalization.

5724. By Mr. WINGO: Petitions of citizens of Uniontown, Driggs, and Chismville, Ark., indorsing legislation for increase in pension for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5725. By Mr. WILLIAMS of Missouri: Petition of E. L. Newman et al., urging the passage of the National Tribune's Civil War pension bill; to the Committee on Pensions.

5726. By Mr. WINTER: Petition for Civil War pensions, by citizens of Medicine Bow, Wyo.; to the Committee on Invalid Pensions.

5727. By Mr. YON: Petition of J. H. Pippin and 81 other citizens of Jackson County, Fla., urging Congress to increase the pensions of the veterans of the Civil War; to the Committee on Invalid Pensions.

## SENATE

WEDNESDAY, March 21, 1928

(Legislative day of Tuesday, March 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore (Mr. MOSES). The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard.

### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 3. An act for the relief of Kate Mathews; and

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.

### CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Keyes	Schall
Barkley	Fess	King	Sheppard
Bayard	Fletcher	La Follette	Shortridge
Bingham	Frazier	McKellar	Smith
Black	George	McLean	Smoot
Blaine	Gerry	McMaster	Steck
Bleuse	Gillett	McNary	Stelwer
Borah	Glass	Mayfield	Stephens
Bratton	Gooding	Metcalf	Swanson
Brookhart	Gould	Moses	Tydings
Broussard	Greene	Neely	Tyson
Bruce	Hale	Norbeck	Wagner
Capper	Harris	Nye	Walsh, Mass.
Caraway	Harrison	Overman	Walsh, Mont.
Copeland	Hawes	Phipps	Warren
Couzens	Hayden	Pittman	Waterman
Curtis	Heflin	Ransdell	Watson
Cutting	Howell	Reed, Mo.	Wheeler
Deneen	Johnson	Reed, Pa.	Willis
Dill	Jones	Robinson, Ind.	
Edge	Kendrick	Sackett	

Mr. JONES. I was requested to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Minnesota [Mr. SHIPSTEAD] are detained in committee.

Mr. GERRY. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily detained on official business.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

HORTICULTURAL EXPERIMENT STATION, CHEYENNE, WYO. (S. DOC. NO. 76)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, amounting to \$100,000, for the fiscal year 1929, to enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act providing for horticultural experiment and demonstration work in the semi-arid or dry-land regions of the United States," approved March 19, 1928, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard.

### TAX REDUCTION

Mr. SMOOT. Mr. President, I have been requested by a number of Senators to give notice as early as possible when the Finance Committee will begin consideration of the revenue bill as sent to us from the House. I desire to give notice now, so that members of the committee can arrange their affairs, that we expect to begin the consideration of the revenue bill on Tuesday, April 3, at 10 o'clock.

Mr. COUZENS. Mr. President, may I ask if it is proposed to hold hearings?

Mr. SMOOT. That, of course, the committee itself will have to decide. I will state, however, that at the first meeting we will have present a representative from the Treasury Department with the latest statistics as to the amount of income received this year as compared with a year ago.

Mr. COUZENS. I would like to ask the chairman if he thinks that the committee is going to hold hearings? There are several provisions of the bill on which hearings ought to be held and ample notice ought to be given to persons who desire to appear, if that is to be done.

Mr. SMOOT. I will say to the Senator that I have not discussed it with any members of the committee. If there is any member of the committee who desires hearings, I am quite sure the request will be granted.

Mr. HARRISON. Mr. President, may I ask the Senator if he does not think it possible to call a meeting of the committee before that time to determine whether or not we are going to have hearings and how long the hearings are going to take? Of course I and other members of the committee are interested, at